INDUSTRIAL ACCIDENTS / HEALTH

1998 - 1999
Thor sued again - denies new work on mercury

OWN CORRESPONDENT

Durban - A second group of Thor Chemicals employees from the Cato Ridge-based plant is suing the company in the British High Court for damages allegedly because of mercury poisoning.

This comes amid evidence that the Cato Ridge plant had resumed production of mercury catalyst for a US chemicals and plastics company, with the full knowledge of the Department of Water Affairs.

Mercury catalyst is used to activate chemicals in the PVC production process.

On Thursday attorney Richard Meerman, acting for 21 employees, 16 of whom are currently employed, confirmed that papers had been served on the Thor Chemicals holding company in the United Kingdom.

The company's Cato Ridge plant undertook to stop all production of mercury-containing products after two workers died of mercury poisoning and 80 were injured a few years ago.

A Thor Chemicals spokesman flatly denied that the company was involved in the production of mercury-related products.

However, she said that up to January the company was still phasing out such production.
Repetitive stress injury
nerve related

LONDON: Repetitive stress injury is caused by nerve damage, British researchers said yesterday.
Medical and legal experts have often dismissed complaints of chronic pain in fingers and hands, but new medical research gives the clearest indication yet that the injuries linked to intensive keyboard use are due to damage to sensory nerves in the hand.
"RSI can often be misdiagnosed because symptoms are varied and non-specific in nature, often with no obvious sign of injury or inflammation," physiotherapist Ms Jane Greening, of University College London, said in a statement.
"The pain suffered is often attributed to stress or a poor state of health. We have seen in this study that a key feature of this condition is minor nerve damage, especially in the median nerve."
Researchers used a vibrometer to measure, over a two-year period, how well sensory nerves of RSI sufferers and a group of "at risk" office workers functioned. They found that people with RSI had reduced vibration sensitivity in the hand area.
Although the "at risk" group did not have RSI symptoms, many showed a marked reduction in vibrations sense.
The research may affect the way disability cases involving RSI are viewed. It is also likely to have a huge impact on the legal cases of RSI sufferers seeking compensation for their injuries.
In Britain alone, RSI affects 200,000 people a year and is estimated to cost industry £1 billion (88bn) in lost production and sick pay annually.
Although the condition is most closely associated with keyboard use, it affects a wide range of people doing repetitive work, including musicians, checkout operators and assembly line employees — Reuters
A pain in the bosses' necks

BACK problems are employers' biggest headaches as a result of workers' temporary and permanent disability in SA, Sanlam Group Benefits said last week.

Nearly R125m was paid out in disability benefits by 2,000 Sanlam and employer-group schemes last year — R7m more than in 1996 — with 31% of such claims being the result of skeletal problems.

"In almost all cases, skeletal problems refer to some kind of back problem and R41.3m was paid out as a result," senior underwriting consultant Wessie van der Westhuizen said.

The second-biggest cause of disability was circulatory problems, he said, which accounted for 17% of the claims and more than R22.9m worth of payouts.

Sanlam pointed out that accidents were "far down the list", making up only 4% of claims.
Dock workers march to Portnet

300 deliver petition

ED WEST
DEPUTY BUSINESS EDITOR

About 300 South African Railways and Harbours Workers Union members marched to Portnet headquarters today with a letter of grievances, claiming abuse of safety and health laws in the harbour.

A shop steward, who did not wish to be named, said Portnet management was not following standard labour grievance procedures, and that health and safety measures had broken down in the harbour.

Portnet human resources spokesman Steve Mialow said Portnet did not wish to comment on the protest. He said harbour activities had not been affected as most strikers had returned to work by 9am.

But the shop steward said, "Management has changed the main agreement to suit themselves. Grievance procedures have been ignored."

"About 12 workers were fired because of absenteeism in December. We did not come to work on public holidays because they did not want to pay us double for overtime, as is required by the new labour law."

Four harbour workers had been injured in the past week alone, the shop steward said.

"Our accident record is horrendous, and safety regulations are being violated every day.

"There is a 12-month backlog of accidents in the container terminal still be investigated."

"One worker burst his liver on Saturday after driving into the back of a trailer because it had no tail lights. The union has been complaining to Portnet management for the past two years about the poor visibility of the container trailers."

"Portnet has also stopped providing safety boots and rain suits."

He also claimed there was "a ghost in the port" to blame for cranes dropping their loads "all the time."

Meanwhile Portnet is withdrawing a national bonus scheme at the end of the month - a move it is feared could cause more unrest.

This scheme amounts to about R80 a month, a substantial sum for a labourer in the Cape Town harbour, earning between R1 500 and R1 800 a month.
STOP IT OR YOU’LL GO BLIND: old warning for a new menace: Ad-dicted Kids face vision damage

COMPUTERS: a SIGHT for sore eyes?

CONSUMER FOCUS
The Spanner in the Work Laws

In 1999 more than three people died every day in work-related accidents. Researchers at Cape Town's Atlantic Information Department (AID) found that the figures are so high

...
JOLTED BY CAPE TIMES INVESTIGATION

Govt team tackles asbestos epidemic

LAST YEAR the Cape Times exposed the human price South Africa has paid for its profitable asbestos industry. It galvanised the government into finding solutions to the problem. LISA TEMPLETON reports.

A PARLIAMENTARY task team is investigating South Africa’s asbestos exposure epidemic in the hope of stemming the steady flow of deaths caused by asbestos-related lung disease.

In November the Cape Times, after an extensive investigation, reported that thousands of South Africans had died at the hands of an asbestos mining industry which put profits before lives.

Faced with a legacy of death from asbestosis, mesothelioma (an asbestos-related cancer without cure) and lung cancer and jolted by the Cape Times’ reports, the National Assembly’s Portfolio Committee on Environmental Affairs and Tourism began to act later the same month.

“We need to find answers quickly. People are dying out there as we speak,” chairperson Gwen Mahlangu told the Portfolio Committee on Environment at an emergency meeting at the time.

Since then, a task team has been appointed to tackle what one member described as “the formidable task” of addressing the asbestos problem. Measures being considered include banning the use of asbestos or imposing restrictions, said Liz McDaid, convener of the task team.

The team, which consists of representatives from the departments of Mineral and Energy Affairs, Trade and Industry, Health, a non-government environmentalist, an industrial health specialist, a trade unionist and others, met yesterday to start pooling their findings.

In the last seven months, task team members have visited problem areas (the former asbestos mining town of Mafefe in the Northern Province and the asbestos-rich Northern Cape), studied international trends in asbestos control and looked at funding needs.

Once all the information has been compiled, the task team will hold a summit meeting.

“We are hoping to come up with concrete ways forward,” McDaid said.

In the past, the government and the asbestos industry were blinded by soaring profits — the export profit was R107 million in 1978 alone — electing instead to ignore worker casualties and suppress research into asbestos-related disease.

At one time South Africa, the world’s third largest producer of asbestos and only major producer of blue asbestos — one of the most dangerous substances known to man — continued to mine asbestos more than a decade after the world had woken up to its dangers and imposed strict controls.

Run by powerful multi-national companies, asbestos mines were worked by a 90% black workforce, many of whom have paid with their lives for the back-breaking work for which they earned as little as R4.50 a month in the 1970s.

But it is not only miners who died. Their children played on asbestos dumps, their wives washed clothes thick with asbestos fibre and many people not involved in the asbestos industry died simply because they lived within breathing distance of an asbestos mill. Now, more than a decade after the mines shut down, towns such as Mafefe, where half the population of 12,000 have asbestos-related disease, are still burying their dead.

Research into the numbers of people affected by asbestos-related disease (ARD) has been skewed by the latency period of the disease, the migrant labour system, poor homeland health services, the prevalence of tuberculosis to which many chest ailments are attributed, widespread medical ignorance about ARD and the suppression of research into the disease.

It is not only people in mining towns who are suffering. The Cape Times has discovered four city women with asbestos-related diseases.

See Insight Page
Mother succumbs after battle

Lung illness found after

Case Study Four

I wanted to walk to end of earth and jump off
Poison scare in Northern Cape

Tangeni Amupadhi

A Northern Cape doctor has called for the mandatory use of protective clothing after an outbreak of chemical poisoning affecting dozens of farmworkers.

Many labourers in the Kakamas and surrounding areas have fallen ill during the past month after coming into contact with Dormex, which contains a highly toxic chemical called cyanamide.

The provincial Department of Health in Upington has records of 25 workers treated by one doctor over the past three weeks. Three of the labourers were admitted to hospital with severe symptoms.

Cyanamide causes nausea, headaches, eye and skin irritations — in some cases the skin becomes blistered. The chemical also interferes with the functioning of the nerves of people who drink alcohol within three days before or after coming in contact with it.

District surgeon Jan Meyer says this year he treated the worst case of Dormex poisoning he has come across in the five years he has been working in Kakamas — a woman with blisters all over her body. In all he alone has treated 23 labourers this year, most for allergic reactions.

Farmers use Dormex in winter to induce early budding of grapes. People working with the chemical are supposed to wear masks and overalls, as well as gloves which cover their arms up to the shoulders.

But doctors in the area have found that few farmers give their workers the protective clothing.

The Department of Labour in Kimberley this week launched an investigation into the use of Dormex. The deputy director of occupational health and safety, Edward Khambula, says cases of poisoning were never reported to the department in the past. It will recommend prosecution of those found to have been negligent.

Dr Neil Slabbert, the Kakamas private doctor who has requested mandatory provision of protective clothing, believes manufacturers and farmers should launch an educational project for workers.

He says although farmers' techniques in the use of Dormex are improving, many do not follow guidelines for its use.

Johannes Moller, vice-president of the Northern Cape Agricultural Union, admits most farmers do not supply protective garments. "And we do not condone that." However, he adds that workers sometimes decline to wear the clothing because it is uncomfortable.

The health department visited some farms and found "not all farmers are prepared to buy all kinds of safety equipment for all the workers." It reported that the lot of farm labourers is unlikely to improve as the Department of Labour does not have enough inspectors to monitor the implementation of workplace safety regulations.

many farmers are in the process mechanisms the way they apply Dormex so that it is sprayed rather than brushed manually onto the plants.

Meanwhile, some of the sick workers are worried that farmers will not pay for their medical treatment. Most labourers used in the Dormex operations are employed on a seasonal basis.
Parliament puts pressure on Thor Chemicals to clean up

David Greybe

CAPE TOWN — Parliament has lost patience with Thor Chemicals and the environmental affairs and tourism department for the long delay in resolving problems linked to highly dangerous chemical waste at Thor’s Kwa-Zulu Natal plant.

The environmental affairs and tourism committee said yesterday it could not wait until next year, when the department’s national waste management strategy was expected to be implemented.

The committee has called Thor and the departments of environmental affairs and tourism, health, labour and water affairs to meet chemical waste experts on August 17 to find a way out of the impasse.

Thor must say how it plans to resolve the problem, environmental affairs must answer on the failure of a departmental steering committee to act despite a damning report 15 months ago, and water affairs and labour must explain their licensing of Thor’s mercury recycling operations in Cato Ridge.

Health will be asked to help in ascertaining the impact of the plant’s operations on the health of members of local communities and Thor’s workforce.

The committee also gave notice it was considering drafting and enacting, as a matter of urgency, new legislation as an interim measure to be used against Thor’s mercury recycling operations at its plant in Cato Ridge.

Committee chairman Gwen Mahlangu indicated that such an “interim law”, if enacted, could also be used against other companies, such as mining houses, guilty of bad waste management practices. “We have lost patience,” Mahlangu said.

An independent inquiry into Thor reported to Minister Pallo Jordan in May last year that the chemical waste situation at Thor was “out of control”.

It said Thor “must have realised at some point that it was not able to recycle the waste on its premises, let alone further waste which it was to receive both domestically and from overseas”.

The commission concluded that the only viable option was “to treat the mercury waste in an environmentally friendly manner by recycling via incineration or roasting”.

If the experts recommended incineration, Thor had no excuse not to implement it, Mahlangu said.
Legal action considered against Thor

LEGAL action may be taken against Thor Chemicals for failing to dispose of its huge stockpile of dangerous, spent mercury at its Cato Ridge plant.

The portfolio committee on Environmental Affairs hastily called in a legal adviser to brief members on whether there were grounds for legal action against Thor. This came after members expressed frustration at the way in which the Department of Environmental Affairs was handling the problem.

"This issue has been with us since we started here in Parliament in 1994," said an angry Gwen Mahlangu, chairperson of the committee. "The department has not been firm in its deliberations with Thor. While we are delaying, people are being exposed to mercury every day."

The legal adviser said it would be possible for the government to take action against Thor Chemicals in terms of the Constitution, as well as present legislation, which prohibited pollution of the environment.

However, the process may not be that simple. A commission of inquiry into Thor found that the government had been "grossly negligent" in allowing Thor to stockpile the mercury.

Also, Thor managing director Barry Longden said his company could not do anything unless it had a permit from the government. This permit had been revoked before the inquiry.

A White Paper on waste management, which will set out how waste should be dealt with in future, is expected by the end of this parliamentary session.
SA asbestos victims may claim in UK

RONALD MORRIS

SOUTH AFRICANS who became ill because they lived and worked in an environment laden with asbestos dust, have won the right to sue the London-based company involved in the English High Court.

Yesterday the Court of Appeal of England and Wales unanimously allowed an appeal by Rachel Lubbe, Nkala Maile, Matlaweng Mohlala, Catherine Nel and Sebushi Selwana to proceed with their compensation actions against The Cape Asbestos Company (Ltd) in England.

Cape Asbestos undertook blue and brown asbestos mining and milling in the North Western Cape and Northern Province respectively from 1890 to 1979. The asbestos was exported to the UK.

In Prieska the mill was in the centre of the town, opposite a school, while the Penge mine in the Northern Province had dust concentrations that far exceeded UK standards at the time.

Richard Meenan, of Leigh Day and Co, the claimants' solicitor in London, said: "This is an area in which the law has lagged behind the economic reality of a world increasingly dominated by transnational enterprises. Transnationals have developed sophisticated mechanisms for avoiding legal responsibility, primarily hiding behind overseas subsidiaries."
Call for probe into Thor waste

The National Assembly's environmental affairs committee yesterday called for the immediate appointment of a task team to urgently investigate ways of safely containing over 5,000 tons of highly toxic mercury waste stored at Thor Chemicals' Cato Ridge plant in KwaZulu-Natal.

Containment of the waste, 3,000 tons of which are stored in drums, many of which are leaking, and 2,000 tons of which are in holding dams and causing contamination of the surrounding soil, was a matter of life and death, committee chairman Gwen Mahlangu said.

The committee had "lost patience" with the lengthy process of apponting a technical advisory task team and urgent interim measures were now required to safeguard the health of workers at the chemical plant, she said.

Yesterday's meeting was attended by representatives from the ministries of Environmental Affairs, Labour, Water Affairs and Health, as well as from various unions.

Although scheduled to attend, Thor Chemicals' representatives were not present at the meeting.

Mahlangu said the interim task team, to be appointed after consultation with the relevant ministers, directors-general and ministers, would investigate:
- A method for the immediate containment of the leaking mercury waste drums, as well as contaminated soil in the Cato Ridge plant's storage areas. This should be done even if it meant suspending the plant's operations.
- An independent medical examination of past and present Thor Chemicals employees.

The team would report back to the committee with its findings on August 31, and thereafter at weekly intervals until its task was completed.

Mahlangu described Thor Chemicals' failure to attend yesterday's meeting as "unprofessional."

"It is in breach of the Constitution not to come when you are called upon by Parliament to do so," she explained that late on Friday afternoon. Thor Chemicals' managing director had faxed her a letter in which he had said his company would not be attending Monday's presentation.

The letter stated that newspaper reports after last month's committee meeting on disposal of mercury waste had created the impression that the company had not been given an adequate hearing during the meeting.

"In the circumstances, we do not believe that any good purpose will be served by our attending the proposed meeting."

Toxic waste incineration expert and Associate Professor of Chemistry at New York's St Lawrence University Dr Paul Connell told the committee that containment of the waste was critical.

Contamination

He warned that incineration was not a viable method for disposing of mercury waste.

High temperatures caused the mercury to vaporise and escape into the atmosphere. This could result in contamination of the food chain and poisoning of the environment. There was also a possibility that incineration would release other contaminants into the atmosphere. - Sapa
Thor ‘shows contempt’

THOR CHEMICALS’ failure to report to Parliament yesterday on how it was storing spent mercury was “unacceptable” and “showed contempt for the highest office of the land.”

So said Gwen Mahlangu, chair of Parliament’s portfolio committee on environmental affairs and tourism, after Thor indicated in a letter that it felt no “good purpose” would be served if it attended yesterday’s meeting.

The committee had asked Thor for a briefing on what progress the company had made in disposing of mercury waste that it had been storing at its Cato Ridge plant. But Thor’s managing director, Barry Longden, said in his letter that the government should be blamed for the delay in dealing with the spent mercury.

According to Longden, despite a presidential commision of inquiry that presented its recommendations in 1997, no practical steps have been taken to resolve the issue of mercury residues remaining on site, despite this company’s commitment to following the recommendations of the commission.

Mahlangu said she had hoped yesterday’s meeting would have resolved how to deal with the waste once and for all, but the company’s failure to show up meant that the matter would now “drag on.”

MPs also instructed the Department of Health to conduct tests on workers to determine whether they had been contaminated.

US chemistry professor Paul Coste, who briefed the committee on waste disposal, said blood and urine samples were “not enough” as tests had to be run to determine the mercury level in workers’ brains.

Twenty workers have already been granted compensation by a British court for disabilities caused by mercury exposure, while a further 21 are seeking compensation. About 23 workers are in daily contact with the waste, estimated at about 3,000 tons — Parliamentary Bureau.
Thors faces closure of Cato Ridge plant

David Greybe

CAPE TOWN — Thor Chemicals faces possible closure of its KwaZulu-Natal plant if a parliamentary investigation finds unacceptable levels of mercury toxicity at the plant.

The environmental affairs and tourism portfolio committee yesterday set up an urgent investigation after "losing patience" with Thor and the environmental affairs and tourism department for the long delay in resolving problems caused by leakage of mercury-containing waste from storage drums and resultant soil contamination over years.

The task team will include representatives of the departments of environmental affairs and tourism, water affairs and forestry, health and labour, as well as unions and chemical waste experts and it must liaise with Thor Mahlangu said she would meet with the four relevant ministers to seek their "maximum co-operation."

The task team will also "monitor" the long overdue establishment of a technical team by the environmental affairs and tourism department to study longer term solutions at Thor.

Thors refused to attend yesterday's committee meeting because, it said, "we do not believe that any good purpose will be served by our attending."

Thor cited a lack of progress by government in implementing the recommendations of an independent inquiry 15 months ago into Thor.

Mahlangu said the committee would write to Thor and point out that the company was constitutionally bound to attend a meeting in Parliament if called to do so.

The inquiry reported to Environment and Tourism Minister Pallo Jordan in May last year that the waste situation at Thor was "out of control". It said there was an estimated 3 300 tons of chemical waste in various forms from SA and abroad at the plant.

The only viable option was "to treat the mercury waste in an environmentally friendly manner by recycling via incineration or roasting."

However international incineration critic Paul Connell yesterday called on the committee to consider a 10-year moratorium on the building of solid waste incinerators in SA so as to allow for the study of other options. Incineration was dangerous and no longer internationally "fashionable"
Firm appalled by claims it refused to dispose of waste

State ‘betrayed’ Thor

Durban — Thor, the Cato Ridge chemical manufacturer implicated in mercury poisoning during the early 1960s, yesterday described the government’s allegations that it had refused to dispose of remaining mercury waste as mystifying and hurtful.

Barry Longden, Thor’s managing director, said the firm had been betrayed by the parliamentary portfolio committee set up to deal with the problem.

The company was appalled by accusations that it was responsible for delaying the disposal of 3,000 tons of spent mercury catalyst, kept within three large warehouses and a plastic-lined underground store.

Longden said the company was clearly being used as a scapegoat for government’s failure to act on the Davie Commission’s recommendations that the toxic compound be recycled.

He said Thor’s hands were tied by the state’s failure to authorise it to begin recycling.

Any attempt to deal with the waste would be tantamount to breaking the law.

“It would appear that Thor is being accused of failing to resolve an issue after having it removed from its control by the very people who are accusing us,” he said.

Longden said complaints that Thor had failed to report on storage conditions were without foundation.

He insisted that Thor had not abused government but had done everything to co-operate with every state department involved.
Call for(10) safety in workplace

By Mokgadi Pela

The South African Society of Occupational Nurses (Sason) has called on companies and workers to improve safety in the workplace.

"The health of a nation, particularly that of its workforce, is crucial for economic development and therefore should be adequately provided for," said Sason president Ms Penny Mead.

She was drawing attention to the Healthy at Work awareness campaign (August 24 to 30), which aims to alert the public to their right to be informed of and protected from health hazards in the workplace.

"A healthy workplace means a healthy business. Preventing work-related accidents and diseases is costly, but the consequences of such accidents and illnesses are even more costly," she said.

Work-related injuries and diseases cost an estimated R17 billion in 1996. There were 1,618 deaths and 240,000 occupational injuries during 1990, according to the Workman’s Compensation Commissioner. The highest rate of accidents occurred in the fishing, transport, wood, mining, building and construction industries.
ON-THE-JOB VIOLENCE

Latest international rankings

A recent survey by the International Labour Organisation finds that France has the highest percentage of workers reporting physical violence at work — 11.2% of men and 8.9% of women — compared with SA’s 0.7% for both sexes.

The figures have to be read with a dose of cynicism as they measure only reported attacks. In some countries, only serious physical violence is reported. In others, psychological violence is reported as well.

The US averages 20 workplace murders a week, with cab drivers being the most frequent victims. More than half of job homicides and 85% of non-fatal assaults occur in the retail and service industries.

Worldwide, health care workers, teachers, social workers, and domestics are also at high risk.

But it’s not all physical. One UK study found 53% of employees had been victims of “bullying” and a Japanese “bullying hot-line” received 1,700 calls over two brief periods in June and October 1996.

An extensive German survey in 1991 found 93% of women had been sexually harassed at some stage at work. Almost 20% of French women workers reported incidents of harassment. 17% in Argentina and 11% in Romania.

It casts serious doubt on SA’s reported 1.3%.
Competition ‘puts strain on employers’

Reneé Grawitzky

Congress of SA Trade Unions (Cosatu) general secretary Mphazima Shilowa said yesterday that international competition had placed a strain on employers who, in turn, had taken a hard line during wage negotiations.

He also warned that the new trend of intense and protracted strikes did not bode well for a stable industrial relations climate in SA.

SA could nevertheless face further disruptions if branches decided next week to start protest action in support of almost 100 000 workers on strike in various sectors. Action being considered includes boycotts, lunchtime demonstrations and pickets.

Shilowa, speaking at a Cosatu news conference in Johannesburg, said while Cosatu accepted that international competition had resulted in retrenchments, it refused to accept that workers had to bear the full brunt of the opening up of the economy.

Shilowa said workers would not, in the current climate of high interest rates, accept a wage freeze as proposed by a number of employers.

Unions were committed to investigating ways to save jobs.

Cosatu believed the employment of replacement labour inflamed “the already vulnerable situation” and that employers aimed to advance Business SA’s call for labour market flexibility, lower wages and wage freezes.

Shilowa denied speculation that the strike wave was designed to show the African National Congress government that Cosatu still had power and to demonstrate its opposition to government’s macroeconomic policy.

He said it would be irresponsible for Cosatu’s leadership to take workers on strike just to flex the federation’s political muscle.

Cosatu claimed that drawn out strikes, coupled with violence and intimidation, could be “avoided if employers move from the current intransigent mood to one committed to real negotiations.”

 Strikes update: Page 2

C
When a cleaner in one of SA’s big companies is paid R1 800/month, the chief executive will probably earn over R50 000, a ratio of about 28:1.

When the new Employment Equity Bill becomes law, government may sink its fist once again into the belly of corporate SA by wrestling the ratio down to just 12. The current figures come from Martin Westcott, MD of PE Corporate Services, which regularly surveys the remuneration of SA’s top executives.

He defines a large company as one employing over 3 000 people, with turnover of more than R500m/year. As he is bound by confidentiality agreements, he can’t be more specific.

Whether the top earner in a company should get a basic salary of nearly 30 times the amount paid to the lowest earner is an issue raised by the Employment Equity Bill passed in parliament last month.

An amendment has placed the concept of a ratio on the statutes, though exactly what the ratio will be has been left, scantily, to the discretion of the Labour Minister. Shepherd Mdladlana says he has not yet put a figure to the ratio.

The clause (4 of Section 6) in the Bill relating to the ratio is a Pandora’s box, says labour consultant and economist Andrew Levy. "It can be interpreted in such a way that employers will be obliged to bargain collectively — while the Labour Relations Act imposes no such requirement."

But the implications go further. Levy says it will make it possible for unions to assume the right to determine what is fair and what is unfair discrimination, a question usually left to the courts.

Employers will not be expected to immediately transform the remuneration structures of their companies but they will have to show that they are working towards the target figure.

How did such an intrusive piece of legislation make it into the statute book without a fight?

The answer is that the amendment came late in the legislative process and objections made by business representatives were ignored.

Business may have weakened its position by vigorously defending another late amendment to the Bill that would have compelled companies to make public the salaries of chief executives.

The Bill stipulates that this information must be submitted to the Employment Standards Commission, which will be able to release the figures in generic form. Business’s successful lobbying on this score ensured that individuals have been allowed to retain anonymity.

"The reason for this," says Liberty executive director Mike Jackson, "is that CEOs are compensated in different ways and their packages include share options and other benefits.

"The components of the package are too different for comparison. And there is a large risk element because the value of share options may fall as well as rise."

This view is common in business circles.

And most listed companies have failed to comply even with the recommendation in the King report on corporate governance, released in November 1994, that the remuneration of executive and non-executive directors be published separately.

Nor do most comply with a King recommendation that the way in which directors' salaries are determined be disclosed, according to a recent survey of the FM’s Top 100 listed companies, by accounting firm KPMG. In 1997-1998, the financial reports of 72% of companies surveyed contained no information about how directors' salaries are determined.

Only 30% of the companies differentiated.

CLOSING THE APARTHEID WAGE GAP

SERIAL JOB KILLER

Making the wrong points about the right issue

WHY WORKERS SHOULD GET MORE

RICHES vs POOREST

Ratio of income of top 20% vs bottom 20%:

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TOP vs AVERAGE

Pay as a ratio of GDP per worker in manufacturing

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In SA, the gap is growing

Ratio between highest & lowest paid

28

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between executive and non-executive directors' remuneration. This lack of disclosure is taken amiss—and not only by organised labour. "The King requirements are not considered particularly onerous and do not require the detailed disclosure demanded by some international codes," says KPMG.

Almost certainly, this failure to disclose incomes fuelled labour's demands for more transparent pay structures and greater equity. It would have been better, by far, to have argued the case on its merits, the present ratio is not out of line with international norms.

"A ratio of 28:1 is not high in relation to Western economies," says Westcott. "In Britain, for example, the average ratio between the highest and lowest paid in a company has increased from 10:1 in 1980 to 22:1 in 1990 and to over 40:1 over the past few years. In the US, it exceeds 200:1."

Organised labour sees it differently. A document published in March, setting out the labour position on employment equity legislation, argues that SA's wage gap is "a legacy of cheap labour, repressive policies applied to black workers, and their denial of formal skills and education."

To redress the situation, labour federation Cosatu favours a ratio of 8:1. "Closing the apartheid wage gap is the powerful slogan adopted by supporters of the ratio. The concept is simple and it isn't only the poor who see its merit. As long as disparities in wealth are wide, disruptive political pressures will destabilise the economy and constrain its growth. And the gap in more competitive countries widens relatively slowly, says Andrew M Warner of the Harvard Institute for International Development, writing in the latest World Competitiveness Report."

Certainly, investors prefer countries with stable social conditions to those where there are episodes of rioting and arson. And, if SA is to become investor-friendly, it must create more opportunities for those with the fewest advantages in society.

Compassion aside, these are compelling reasons why all South Africans would want the needy to be better-off. This is not the issue. What is, is the method used to reduce the gap.

The appropriateness of imposing a ratio was a major sticking point in the protracted negotiations in Nedlac between business and labour over the drafting of the Employment Equity Bill, says business representative Vic van Vuuren.

Business argued that if Cosatu's proposals were put into effect, the CEO of a large company would have the choice of cutting his salary to about R1.6 000/month—or massively increasing the wages of every single employee.

Presumably Cosatu's real aim is to raise the workers' wages—though lowering the boss's would give them some cheer. But are wage hikes across the board realistic, or desirable?

Given that there are more than 3000 employees in a large company, a huge across-the-board pay rise would distort a company's cost structure quickly putting it out of business.

Cuts in executive pay are equally implausible as they would escalate the brain drain.

Johann Rupert, chairman of the giant Rembrandt group, points out that his own remuneration of nearly R1m/year is only a third of what he would earn in a similar position in London. "In fact, I earned nearly R1m when I worked in London for Rothmans five years ago," he says. "How can we hope to attract top management if we don't offer a suitable reward?"

PE Corporate's research shows the purchasing power of a SA CEO's discretionary income is lower than that of his UK, German, French and US counterparts.

If SA wants people who can keep the wheels of the economy turning, companies will have to pay what it takes.
Economy & Business

As for the general good, whatever option the CE chooses, the outcome will be the same. If people don’t earn what they are paid, their gains are swallowed in round upon round of inflationary price and wage increases. At best, they lose their jobs because the companies they work for go out of business or the sectors they are part of grind to a halt. There are plenty of examples of this in similar circumstances in the past. No enterprise can pay uneconomic wages and survive, so the number of jobs in SA will shrink faster and faster.

The value people add in their jobs varies enormously. And, if those who add a lot of value aren’t compensated accordingly, they will look for better opportunities elsewhere. The futility of trying to impose a ratio is so clear that it seems the idea can only have been floated in a spirit of cynicism. And the drafting of the Bill can only be political power play by opponents within the ANC of government’s Growth, Employment & Redistribution (Gear) framework.

The GEAR framework aims to create the impression it has conceded ground if it accepts a higher figure. But, say, 12:1 would be disastrous.

Even if the present Minister sets the ratio at a more realistic level, there is no knowing what the next Minister will do. The principle is bad and its presence in legislation will be another mark against SA in the eyes of global investors.

There is, however, something that could be done to close the wage gap. It is a longer-term approach, but its success is almost guaranteed. In a hi-tech world, growth industries need people who are able to learn their way around their jobs. This means they must be more than barely literate and numerate. And they must be willing as well as able to adapt to the changing needs of the market.

This is a problem worldwide, where the skills gap is growing even in the most advanced countries. The US accommodates this polarisation with wage flexibility. Other countries, like Germany, respond by cutting jobs.

But, in SA, the problem has another dimension — the systematic attempt over 45 years to prevent black people from equipping themselves to work in a modern economy. Cosatu is right — apartheid robbed people of their skills. This can be put right, but not in the way Cosatu visualises.

When the ANC took over government and inherited the previous government’s galloping debt, it cut expenditure across the board to avoid falling into a debt trap.

Now the medium-term expenditure programme is under way and everyone involved has gained information and experience about where money is most needed and how it can be most productively spent.

In future, cuts can be made more selectively and more funds can be allocated to education at all levels, not only in centres of formal education.

Business is already sinking large sums into educational initiatives and many companies have in-house training programmes.

It is also time to reverse the way in which the Education Department has managed its skills. Much damage has been done in the educational field in the name of social engineering. Whites have been given expensive payoffs to take their skills out of the system. This may have created jobs for blacks, but it’s hardly economic empowerment and it certainly hasn’t advanced the future careers of present black students.

It’s time to reverse the process. But what we need above all is a dynamic Education Minister who can transform the ethos of the Education Department and revitalise the system.

As for government’s alliance partner, Cosatu, it should concentrate on closing the skills gap. The rest will follow.

Ethel Hazelhurst

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Kippers

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US official urges swift action to curb labour’s power in SA

Simon Barber

WASHINGTON — Reforms to slow the growth of union power and lower labour costs should be the SA government’s top economic policy priority, said a senior US official, describing Treasury Secretary Robert Rubin’s impressions after his July visit to SA and other African nations.

SA was “in a very considerable bind” as it was forced to keep interest rates high to defend the rand amid stagnant growth and unemployment, the official said at the Centre for Strategic and International Studies on Tuesday.

The official noted that with elections coming the government was reluctant to pursue structural reforms.

He said it was most important that SA “passes legislation liberalising the way trade unions operate”, according to a report on his remarks by the US Information Agency. The agency said the official wished to remain unnamed.

Commenting that over the past six years, both union wages and unemployment had increased by 7%, the official argued that economic opportunity was being extended to an exclusive group of “organised labour” at the expense of the rest of the country, which was uncompetitive internationally because of its high labour costs.

Overall, the official gave the impression that Rubin’s visit to SA had not gone as smoothly as hoped. He described Rubin’s meeting with Finance Minister Trevor Manuel as “an interrogation”, with the treasury secretary apparently struggling to get answers to his questions.

The official also criticised bankers that Rubin met to discuss ways of increasing access to finance by the informal sector and small business. The bankers were a “public relations nightmare” who showed little interest in bringing more small entrepreneurs into the credit stream.

The official was upbeat about Mozambique, which he called “a big success story” with injections of foreign direct investment expected to total an “astonishing” $2bn over the next two years. The main worry was how to keep the country’s small economy, one of the first to qualify for debt relief under the highly indebted poor country programme, from overheating.

Africa as a whole had been relatively unaffected by the global credit crisis, the official said largely because the exposures of foreign lenders were small. On another positive note, the official saw no sign of African governments abandoning their reform efforts in the light of the Asian crisis or following Malaysia’s example to reimpose capital controls.
Workplace deaths cost taxpayer dearly

By Pamela Dube
Political Reporter

INJURIES and deaths in the workplace continue to cost taxpayers dearly, with the Government paying out R7 billion in compensation during the 1996-97 financial year alone.

Deputy director-general in the Ministry of Labour, Mr Les Kettedas, said in Parliament yesterday that the payment represented 3.5 percent of the Gross Domestic Product. The annual average injuries amounted to 200,000 with 508 recorded deaths.

The high costs and loss of human resources had the ministry’s approach refocused to develop a working culture that put greater emphasis on a safer working environment.

Kettedas said “You’ll be amazed at the number of complaints we receive (from the workers). Our labour offices receive thousands of complaints a month.”

“Our approach is to develop a sense that says prevention is better than cure. The Ministry has increased focus to provide information, education and training on a safer working environment.”

During the process of restructuring the 250 labour centres across the country, Kettedas said, “they found that some were not conducive to the working environment and some were just dumps.”

The ministry also developed a broader training programme to enhance moral values and the reorientation of staff to render professional service.

The past four and a half years had also seen changes in the demographics of appointing people.

While not stating the changing figures of management appointments, Kettedas showed Parliament a chart indicating that 62 percent of the labour ministry’s 6,000 workers were black (50.06 percent of the total staff composition being Afrikaans).

The ministry had also started restructuring an Unemployment Insurance Fund. There was ongoing research to find ways of outsourcing the distribution of the UIF and the process may entail going into partnerships with post offices and banks.

The restructuring of the UIF could entail embarking on a programme to retrain retrenched workers.
Asbestos: A life enhancer or life

SOUTH AFRICA enters one of the most emotive environmental debates in the Western world today as the first National Asbestos Summit kicks off in Johannesburg. One of the most heated debates is likely to be whether or not to decontaminate public buildings where asbestos has been used during construction. KARIN SCHIMKE reports.

The ceiling of the Cape Town station concourse was sprayed with lethal blue asbestos in the early 60s, which could pose a health threat to commuters and the station's workers.

It emerged this weekend that the construction team of about 10 who did the work, at least one has died of lung disease and five have tested positive for asbestos-related diseases (ARD).

Bobbe Johnston, a roofing specialist who now runs his own company, told this weekend of the public buildings contaminated with asbestos that he worked on during the early 60s.

They include the Old Assembly Hall in Parliament, the old Monte Carlo movie theatre, the Sanlam headquarters in Bellville and the SA Mutual headquarters in Pietermaritzburg.

The latter two have been decontaminated since, Johnston said. A maintenance spokesman for the Parliament buildings said the Old Assembly Hall had been decontaminated, but it could not be established when or at what cost.

Whether the same was done to the Cape Town station could not be confirmed yesterday. Spoor, as the sponsor of this week's summit, is however, tackling several asbestos-related problems in sites across the country.

Spokesperson Johan Hugo said Spoor had been sending and transporting asbestos since 1960 and it felt it had a responsibility to help the country's leaders discuss the issue and formulate policy for the future.

"In the past year and a half we've tested 19,000 of our workers for ARD. Only three have tested positive. One person suffering from ARD is one too many, but we are relieved that no more than that have been infected."

White asbestos is considered relatively safe when encased in concrete or glass; it remains undamaged, but, according to Johnston - who has gained international experience on the use of asbestos in construction since establishing what a serious health risk it poses - the sprayed asbestos used in the station was left raw, with just a sheath of PVA paint to cover it.

"Asbestos can almost never be considered stable. The conditions in the station alone are enough to loosen fibres and release them into the air."

He said that even if the asbestos was fairly stable, people could be at risk even now because of the enormous amount of asbestos dust that was released into the air during construction work. In closed areas such as the Monte Carlo movie theatre and the Old Assembly Hall, some fibres almost always remain suspended in the air.

Gwen Mahlangu, chairperson of the parliamentary Environmental Affairs and Tourism committee, said evidence showed that a single asbestos fibre is as deadly as a kilogram of fibre.

Johnston said: "Asbestos is not biodegradable and there is no reason to believe that in buildings where it was used the fibres have cleared out of the confines of the room completely."

Brian Gibson, convenor of the Asbestos User Group, which is giving the industry perspective at this week's summit, said it did not surprise him that asbestos had been used in these public buildings.

"There are hundreds of old buildings around the city that have asbestos in them. The asbestos industry believes strongly that under modern conditions white asbestos can and should be used safely, but it needs proper regulation and policing. We have to ensure that we don't find ourselves in the situation of replacing known hazards with new hazards."

Removing asbestos from buildings was a difficult and expensive exercise, he said: "I read recently that a stranger removing asbestos from a building, they had 50 more fibres in the air than before."

Johnston, who discovered accidentally that he had an ARD three years ago, has tried to track down the people who were on his construction team almost 35 years ago.

He found four of the people and referred them to Groote Schuur hospital, where they have tested positive for ARDs. One of these had asbestos recorded as cause of death on his death certificate. His wife received compensation of R1,500 a year.

It is believed another on his team died of mesothelioma, the worst asbestos-related disease.

Johnston is pursuing compensation from the UK-based company Bells Asbestos & Engineering for whom he worked at the time he inhaled the asbestos that has caused his illness. Workers were given masks, but were not forced to use them, nor told of the dangers of asbestos. The UK firm representing Johnston is working on over 700 asbestos-related compensation cases.

"What put a cure under my saddle," he said, "was that by the '60s, the asbestos industry had full knowledge of the dangers of working with asbestos."

Playing it safe robs the bank

CHASE Manhattan Bank's 62-floor headquarters in Wall Street, Manhattan, was plastered with an asbestos product called Limpet between 1958 and 1960. In the early 1990s, following evidence that it caused mesothelioma, the worst asbestos-related disease, the bank had its reply of asbestos suit against asbestos giant Turner and Newall.

Limpet was also used on the ceiling of the main concourse of the Cape Town station.

AT THE CROSSROADES: Slow, suffocating death is the price workers have paid for the country's lucrative asbestos mining industry.

FILE PICTURE

INNER STATION BLUES: The ceiling of Cape Town station that was a health threat to commuters and station staff.
or life destroyer in our midst?

Reports on deaths led to first summit

MOST mine explosions are reported exhaustively by the media. A less spectacular mining tragedy has killed thousands of people in South Africa, but it has been given little attention.

Asbestos is lethal. Thousands of miners and many miners' relatives who have been exposed to it have died. Added to these, it is estimated that about 5 500 people have died after being exposed to fibres in the environment. Researchers say asbestos exposure is a worse hazard than radiation because the fibres are indigestible.

As a result of investigative reports by the Cape Times into what is considered an asbestos epidemic, the first National Asbestos Summit is taking place. It opens in Johannesburg today.

The parliamentary portfolio committee on environmental affairs and tourism was so moved by reporter Lisa Templeton's investigation that it immediately set up a special task team to work towards stemming deaths from asbestos-related diseases.

It is a committee that has called the summit which is to cover the dangers of asbestos inhalation, possible new legislative measures, questions of regulation and the compensation of those affected.

South Africa's permissible asbestos fibre count per millilitre of air is one of the highest in the Western world. Although it is mainly miners who have asbestos-related diseases, people in old mining towns, in the building industry and even those living or working in buildings where asbestos is present, stand the chance of developing lung diseases.

A question that is likely to come up often during the summit is whether white asbestos or chrysotile is dangerous. The material is used in many buildings where it is encased in cement. The construction industry's stand is that, used in this manner, it does not pose a threat to health. The other point of view is that as long as the direct threat of white asbestos cannot be determined precisely, it should be banned.

Blue (crocidolite) and brown (amosite) asbestos are no longer mined in South Africa. There has long been consensus that these present serious risks to health.

Another question that will be raised is whether asbestos should be removed from buildings, at what expense and whether doing so is not more dangerous than leaving it undisturbed as working with it creates the dangerous dust that causes permanent lung damage.

The portfolio committee on environmental affairs and tourism has also designed an information pamphlet on asbestos.

Gwen Mhlangu, who chairs the committee, says discussions at the summit are to be written up in a report, which is to include suggestions on new legislation.

"Every day that I get more information on asbestos, I wonder why we still use it," she said.

PICTURE: ALAN TAYLOR

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HE was set to become a farmer. His life was all mapped out for him, but he defied convention and family ties to go into fashion.

Read about this award-winning designer in the WEDNESDAY INTERVIEW with DIANE CASSERE in your Cape Times tomorrow.
Sasol officials could be charged with 53 deaths

ST 22/11/98

CHRIS BARRON

PETROL giant Sasol has been found criminally responsible for the deaths of 53 workers who were killed in an explosion at its Middelburg coal mine in Secunda in Mpumalanga in 1993.

In a scathing report released this week, the deputy chief inspector of mines, Kenneth Gudmanz, accused Sasol officials of ineffectice management and supervision, and found that the explosion was fuelled by an “excessive” build-up of coal dust, and not by methane gas as claimed by Sasol.

The inquest magistrate, M. Junghaath, found that the behaviour of the officials in the period leading to the explosion constituted “a criminal offence”.

Gudmanz found that a Sasol mine manager, a shift manager, two production supervisors and a shift supervisor caused the deaths through negligence.

He has recommended that these and other Sasol officials be prosecuted for violating 12 safety regulations.

Lawyers for black victims of the blast are demanding that Sasol accept responsibility and pay compensation.

Richard Spoer, a lawyer for the Chemical Workers’ Industrial Union, to which the black miners belonged, said lawyers for the black families would now push for charges of culpable homicide against the officials.

Spoer criticised Sasol for paying nothing to the families of the black victims apart from funeral contributions.

He said families of the white victims had pressed civil charges against Sasol and received an undisclosed out-of-court settlement. This route was not open to the black families because black workers, who earned less than their white counterparts, were covered by the Workmen’s Compensation Act. But the money they received was “absolutely inferior and does not approximate the actual loss suffered by black families”.

Sasol said this week it disagreed with the findings on the cause of the explosion. The findings will be considered by the office of the attorney-general, which will decide whether to prosecute.

Sasol communications manager Alonzo Niemand said that R7.7-million had been paid to families of the victims in accordance with the law and their service conditions, “without discrimination on any basis”.

Too late for some as forum ponders safe use of asbestos

Johannesburg: In 1963 William Nakaphala was employed at the Penge mine in Northern Province to break up asbestos ore and place it on a conveyor belt. He was paid R2,50 a month and held the job for five years.
Nakaphala is now 51, and cannot walk up a flight of stairs without pausing for breath. He suffers from coughing fits and is unable to work.

He has asbestosis, meaning that his lung tissue is scarred as a result of inhaling airborne asbestos fibres.

Nakaphala, who hails from Mafefe village near Pietersburg, received a R12 000 payment from Workman's Compensation in 1995, but this was quickly used up and he now lives off a R500 monthly disability grant.

Nakaphala is one of thousands of South Africans who suffer from asbestos-related illnesses.

The severity of the problem prompted Parliament's environmental affairs committee to convene a national conference to discuss ways to deal with the problem. The gathering got under way near here yesterday.

Deputy Environmental Affairs Minister Peter Mokaba said there was no doubt that asbestos was harmful and the question that had to be answered was what to do about it.

He declined to say whether he supported an outright ban on asbestos, saying public policy had to balance a number of issues, such as the effect on employment.

"We see no contradiction between job creation and environmental management," he said.

Brian Gibson, the convener of the asbestos user group which represents the industry, said he believed a total ban on asbestos would be inappropriate.

"Scientific evidence proves that asbestos can be safely used." Gibson claimed the industry had improved its safety record considerably, and would support a further tightening-up of regulations.

He said the effects of inappropriate industry practices in the past were being felt now because of the latency period experienced with asbestos-related diseases.

The local asbestos industry has shrunk considerably over recent years, and currently employs less than 5 000 people and contributes R650 million to the GDP.

Any solutions that come out of the conference will probably prove too late for William Nakaphala and the community of Mafefe, who are still inhaling the asbestos fibres which blow off the mine dumps and asbestos-surfaced roads next to their homes. — Sapa
Thousands dying from asbestos-related diseases

Many South Africans, as well as migrant workers, are left to suffer, without any compensation from mine owners.

By Melanie-Aine Fergus

William Nakaphala (51) can barely walk without having to stop to take a deep breath.

In an asbestos mine during his youth, Nakaphala worked at chipping up asbestos ore. After five years he moved on to another asbestos mine.

Nakaphala contracted asbestosis as a result of inhaling asbestos fibres.

He received R12 000 in compensation from Workmen's Compensation several years ago, but this was not enough to see him through his retirement years and he now lives on a monthly government disability grant.

He is one of thousands of South Africans who are suffering from asbestos-related diseases (ARD).

Apart from the thousands of workers dying from ARD in South Africa, there are thousands more migrant workers who are dying in Swaziland, Lesotho and even Mozambique.

Many of those affected die without any compensation from the owners of the asbestos mines.

Other affected people include those communities who live close to asbestos mine dumps, which have not been rehabilitated, in the Northern Cape, the Northern Province and Mpumalanga.

The South African Government has just held a National Asbestos Summit in Johannesburg to try and find a solution to the problems arising from the use of asbestos.

Already, asbestos mining activities have been scaled down.

Owen Mahangu, chairperson of the portfolio committee on environment and tourism, said there is only one active mine in the country. It employs fewer than 200 people.

But, asbestos is still widely used and asbestos can still be found in many buildings around the country, he said.

A spokesperson from a Johannesburg-based company which is hired to do asbestos removals, said Eskom was involved in ongoing projects to remove asbestos from some of its power stations.

Asbestos was also removed from the Voortrekker Monument in Pretoria and, earlier this year, the Johannesburg metropolitan council spent R6 million to contain asbestos contamination in the west wing of the city hall.

The Pretoria military base, in the North West Province, home to nearly 3 000 soldiers and their families, was heavily contaminated with lethal dust and fibres from the asbestos mine which once occupied the site.

In the Northern Cape town of Prieska it has been estimated that 4 000 people have died from ARD in the past 50 years. Blue asbestos or crocidolite was mined in the area for many years.

Eskom spokesperson Peter Adams said there was no conclusive evidence that asbestos was dangerous before the 1930s.

In the mid-60s, when they received conclusive proof, Eskom decided not to use asbestos in insulation at its power stations and to remove it from its plants.

Adams said if work needed to be done on a station they would lodge a plan with the Department of Labour, issue their workers with protective clothing, completely isolate the area and then dispose of the asbestos in prescribed containers for removal to registered dumping sites.

A few years ago Eskom dismantled the Salt River power station in Cape Town to clear it of asbestos, he said.

Piet Marais, managing director of Reposaf Environmental and Occupational Health Services, said patients with mesotheliomas often have a history of limited exposure to asbestos – of maybe only a few weeks – many years before they develop the cancer.

Marais said exposure to asbestos dust increased the risk of developing certain diseases, the biggest of which is asbestosis, cancer of the lungs and mesotheliomas.

Asbestos is specifically associated with exposure to asbestos dust and is characterised by the scarring of the lungs. Cancer of the lungs is more common among asbestos workers than the general public while mesothelioma is a rare cancer which spreads across the surface of the lungs.

Environmental organisations and labour unions have called for a ban on the use of asbestos products in the country for better access to medical treatment and that compensation for those who have been affected by asbestos poisoning be improved.

Deputy Minister of Environmental Affairs, Peter Mokaba, said this week's summit would act as an information gathering process which would be followed up by legislation.

While this might be too late for Nakaphala it could improve the lives of communities still living near asbestos mine dumps and the thousands who are dying of asbestos poisoning.
Asbestos, which is responsible for thousands of deaths in South Africa every year, is still used in certain products in the country. The word asbestos is derived from a Greek adjective meaning "unextinguishable.

The "miracle mineral", as it was referred to by the Greeks, was admired for its soft and plain properties, as well as its ability to withstand heat.

According to Piet Marais, managing director of Ergosaf Environmental and Occupational Health Services: "Asbestos is used in some 3,000 different products today and is capable of being spun into yarn and woven into cloth or is mixed with cement, rubber, resins, plastics or graphite."

In the electrical industry, asbestos is sprayed on turbines and other popular uses are in brake linings, clutch facings and even gaskets and joints, he said.

White asbestos or chrysotile is often added to cement and used in the building industry. Consumer organisations have indicated that there is no body in South Africa which investigates the use of asbestos in products, although there are products on the market which contain asbestos.

Although mining activities in South Africa have been dramatically scaled down, there are mines in Zimbabwe which could be exporting the product to this country.

In South Africa there are also no requirements that products which contain asbestos should carry warnings.

Environment Reporter
Call to ban asbestos as SA deaths soar

45 000 have asbestosis, silicosis

Johannesburg — South Africa is dealing with a national asbestos epidemic, with deaths related to asbestos poisoning expected to peak within the next 20 to 40 years, delegates at the National Asbestos Summit here have been told.

Labour unions joined environmentalists in a call for a halt in the use of asbestos products in South Africa.

Calls were also made for research into a substitute for asbestos and for a committee to be established to set a time-frame for a non-hazardous substitute to be found.

Although asbestos mining in South Africa has been scaled down dramatically, asbestos – particularly white asbestos or chrysotile – is still widely used in buildings.

Delegates at the summit, including representatives from communities affected by asbestos, civic organisations and scientists, called on government to tighten legislation on asbestos exposure limits and for improved compensation for those affected by asbestos poisoning.

Dr Sophina Kisting from the Industrial Health Research Group (IHRG) said there were no figures available for asbestos-related illnesses and deaths in the country.

The number is estimated, however, to run into the tens of thousands.

Dr Kisting said only 2 717 deaths due to mesothelioma (an asbestos-related illness) have been reported since 1995 and that 78% of these deaths were as a result of environmental exposure to asbestos.

She added that studies in the gold mining industry showed 45 000 miners suffered from silicosis and asbestosis.

Dr Kisting said R5.8 million was available for compensation, but compensation laws still discriminated against workers.

"A lot of those people affected by asbestos-related disease are poor, illiterate and have no access to information," she said.

She said an audit of asbestos mines in the country was in progress to help the Government determine the owners.

Even brief exposure is enough

Johannesburg — William Nakaphala, 51, can barely walk without having to stop to take a deep breath.

As a worker in an asbestos mine during his youth, he chopped up large chunks of asbestos ore.

Each month he received just R2.50.

"When we finished work we could not recognise one another because we were covered in so much dust," he said.

For his hard work Mr Nakaphala was rewarded with asbestosis – the scarring of his lungs – as a result of inhaling asbestos fibres.

He received R12 000 from Workman’s Compensation several years ago, but this was not enough to see him through his retirement years and he now lives on a small monthly Government disability grant.

He is one of thousands of South Africans suffering from asbestos-related diseases.

There are thousands more migrant workers dying in Swaziland, Lesotho and even Mozambique.

Other affected people include members of communities living close to asbestos mine dumps which have not been rehabilitated – in the Northern Cape, the Northern Province and Mpumalanga.

Already, asbestos mining activities have been scaled down to just one active mine.

But asbestos is still widely used and asbestos can still be found in many buildings around the country, said Gwen Mahlanga, chairperson of the portfolio committee on environment and tourism.

Piet Marais, managing director of Envoset Environmental and Occupational Health Services, said patients with mesothelioma often had a history of only limited exposure to asbestos, of maybe only a few weeks – many years before they developed the cancer.

He said exposure to asbestos dust increased the risk of developing asbestosis, cancer of the lungs and mesothelioma.

Lung disease ‘not diagnosed’

Johannesburg — Charles Kadalie has been living with asbestosis (an asbestos-related illness) for many years, but doctors only recently diagnosed him with the illness.

Mr Kadalie, an electrical maintenance supervisor at the Athlone power station in Cape Town, has seen many of his colleagues die from asbestos-related illnesses.

This has prompted him to campaign for greater awareness of the dangers of asbestos and that companies be held liable for compensation to workers poisoned by the material.

Mr Kadalie has worked for the Cape Town municipality for 27 years, but has now refused to return to his job.

He told the National Asbestos Summit how, for years, he was given a clean bill of health by doctors employed by the council to do lung screenings.

In June last year, he went for his annual test and was once again given a clean bill of health.

Three weeks later, he became seriously ill and, after consulting another doctor, was diagnosed as suffering from asbestosis.

Mr Kadalie said he managed to obtain X-rays of his lungs, and these showed that he had had signs of asbestosis as early as 1992.

"I was furious that the asbestosis had not been picked up earlier. The lung-screening system the municipality had was a big fraud," he said.

The Kadalies say there has been "total silence" from the municipality.
Asbestos battle looms


Asbestos battle looms

November 27, 1998
ML A GUARDIAN
Union to fight for health, safety deal

Thembekile Hlungwani

THE SAC Municipal Workers’ Union (Samwu) has resolved to fight for municipal workers to receive free health benefits and for shop stewards to be able to enforce work stoppages if a workplace breaches safety regulations.

At the close of its three-day conference in Johannesburg at the weekend, Samwu adopted a health and safety agreement to be tabled at the National Bargaining Council.

This resolution includes demands for free medical care for workers, the right of health and safety to embark on a work stoppage should they find a breach of safety regulations or hazards in the workplace, as well as disclosure of all chemicals being used in the workplace.

The conference also discussed the social wage issue, mapping out a three-year strategy to achieve a minimum wage.

Samwu’s general secretary Roger Ronne said the union concluded there should be a closure of the apartheid wage gap, structured along racial barriers.

“Our members must also get adequate access to social services,” he said.

Delegates said employers still withheld information on workers’ wages from the union. The union said this was a serious obstruction to effective bargaining and also to specifying a national minimum wage for their members.

It was agreed at the conference that unless employers released this information within three months the union would declare a dispute.

Also to be tabled with the bargaining council was Samwu’s reaffirmation to parental rights. It demands that parental rights should include 14 days of paternity leave, time off for antenatal care and 21 days’ parental leave a year.

6 D 7 1 2 1 9 8
Asbestos victims win right to sue

The House of Lords in London yesterday refused British company Cape Plc leave to appeal against a landmark decision by the Court of Appeal in July giving the go-ahead for five South African asbestos sufferers to sue the company in the London High Court.

The claimants were exposed to blue and brown asbestos at work or from living in the vicinity of the mills and mines in the Northern Cape (Prieska and Koegas) and Northern Province (Penge).

They instituted proceedings last year.

In January the High Court granted Cape Plc a stay of proceedings on the grounds that the case would be heard in South Africa. The Court of Appeal reversed the High Court decision, however.

It ruled instead that the five — two of whom have subsequently died — could sue the company in England.

Cape Plc disinvested from South Africa in 1979.

Thousands of victims were left penniless and uninsured.

It also had a major environmental impact as the company left behind several contaminated and abandoned mines.

The claim by the five against Cape Plc follows successful damages actions brought in England by Richard Mecran, a lawyer with the London-based Leigh, Day and Co.

The actions were brought on behalf of 20 Thor Chemicals workers in KwaZulu-Natal — poisoned by mercury — as well as cancer victims from Rio Tinto’s Rossing uranium mine in Namibia.

The Thor case was settled for about R10 million in April last year.

At the same time, a further 21 Thor workers’ right to sue in England led to the Lord Chancellor proposing legislation to prevent foreigners from suing multinationals in English courts.

Since the Court of Appeal decision, Leigh, Day and Co have set up offices in Prieska.

From there — in association with two South African law firms — the firm has taken instructions from about 600 asbestos sufferers from the Prieska area and a further 1,000 victims formerly employed at the Penge mine.

The instructions are to sue in the London High Court. — Staff Writer
Inquiry into bridge disaster starts today

James Eeles

EYEWITNESSES of the Inhaka bridge disaster in July last year - in which 14 people were killed — will begin testifying today before a labour department inquiry into the accident.

Twelve others were injured when the incomplete bridge near Bushbuckridge in Mpumalanga collapsed, sending concrete and steel plummeting onto workers below.

Uwen Bunsee, head of the labour department's legal services, said the proceedings today in Graskop, Mpumalanga, would focus on the accounts of 'eight to 10' eyewitnesses who were on the site at the time of the accident.

The inquiry would then move to Pretoria to hear expert technical testimony from the bridge's constructors, Concor, its designers, VKE and IL, and an independent engineer who completed an investigation on behalf of the labour department.

The purpose of the inquiry is to determine the cause of the accident and no judgment of negligence or culpability will be made.

Instead, the presiding officer, Larry Kloppenburg, will pass the inquiry's report on to the attorney-general who will decide whether any of the parties will be prosecuted. Kloppenburg is a deputy director in the occupational health and safety chief directorate and is also a trained engineer, Bunsee said.

A criminal conviction would result in 'massive fines'.
I dreamed about collapse of bridge, worker tells inquiry

Graskop - A construction worker who survived when a bridge being constructed over the Ingaka River near Graskop, Mpumalanga, collapsed in July last year, killing 14 people and injuring 12, told an inquiry yesterday that he had dreamed of the disaster the night before.

The worker, S Khanyile, who was employed at the construction site, said: "The night before, I had a dream of falling off a mountain and told my colleagues about it. One wanted to run away, but I told him I was only joking and he stayed."

The inquiry also heard that cracks had allegedly started appearing in the bridge almost two months before it collapsed.

Richard Spoor, the attorney for the families of the six workers who died, said the workers noticed the cracks as early as May 27.

"More cracks started developing on the day of the launch, but the workers didn't have radios to warn those on the bridge," he said.

The bridge, designed by Van Niekerk, Klein & Edwards (VKE) and built by Concor Construction, was under construction at the Ingaka Dam in Bushveldridge and collapsed during an organised visit to the site.

According to the two workers who testified at the inquiry, it appeared that the bridge collapsed at the second pier.

It held for a while, but the front collapsed and the rest of the bridge gave way, plunging tons of concrete and metal onto the visitors and workers at the site.

The inquiry continues until February 12, after which it will be transferred to the Industrial Court Building in Pretoria.

Spoor is concerned about the inquiry being transferred to Gauteng, saying the local community wanted to attend the hearings. "The majority of the deceased and injured come from this area and their families were not consulted about the decision," he said.

Spoor added that he would not wait for the end of the hearings before issuing summons against VKE and Concor.

The purpose of the inquiry is not to make a judgment on negligence or culpability, but to determine the cause of the accident and issue a report to the attorney-general's office, which will then decide whether prosecution is necessary - African Eye News Service
More claims in asbestosis cases (31)

FURTHER compensation claims on behalf of 337 South African asbestosis victims have been filed against a UK-based multinational, Cape Plc, in the London High Court.

They last Friday joined 1,539 other South Africans who are suing the British company for damages. This comes within a month of a landmark ruling by Britain's highest court, the House of Lords, that South African asbestosis victims could pursue claims against British companies in the English courts.

The 1,876 South African victims, or their next of kin, claim they suffered personal injuries or damages as a result of exposure to blue and brown asbestos at work or just by living in the vicinity of the mills and mines in the Northern Cape (Prieska, Koegas) and Northern Province (Penge, Egnew mine) and a factory at Benoni.

They say Cape Plc was negligent or in breach of a duty of care in supervising, controlling, extracting, producing, processing or distributing asbestos and related products.

Cape divested from South Africa in 1979, leaving thousands of victims penniless. — Staff Writer
SOUTH AFRICA

CT 4/1199

Thor loses appeal, case to proceed

The Court of Appeal in London yesterday refused Thor Chemicals Holdings leave to appeal against a decision by the London High Court in 1997 that damages action brought by South African victims of mercury poisoning should be heard in Britain.

This was the third unsuccessful attempt Thor had made to halt damages action brought by workers from Cato Ridge who were exposed to high levels of mercury and suffered physical and psychological harm while employed at Thor’s plant there.
Cracks spotted before bridge fell
Junior on bridge site ordered go-ahead

Stephané Bothma (131)

PRETORIA — The inquiry into the Inyaka bridge collapse in Mpumalanga, which claimed the lives of 14 people last year, heard yesterday that a junior engineer, on site to gain experience, gave instructions after the resident engineer said he knew little about bridge building.

A month before the bridge collapsed, the junior engineer, Merilee Gouws, gave instructions that work should continue despite the appearance of cracks in the structure.

Gouws was one of 14 people who died when the bridge near Bushveldpark crumbled on July 6 last year.

She was a junior employee of the engineering consulting firm VKE.

About 12 people were injured in the accident.

Concor construction site agent Peter Price told the inquiry that he had demanded written instructions from Gouws that work could go ahead after the hairline cracks were noticed on May 27, 1998.

"I was very concerned at continuing with work on the bridge without written instructions from VKE. I was concerned that Concor would be held responsible should something go wrong," Price said.

The inquiry is chaired by Larry Kroppenberg.

Referring to the cracks, Price said they were not "normal" and that "something was not right.

Price testified that when the cracks were first noticed, the matter was discussed with VKE resident engineer Theo van Deventer.

However, Van Deventer said his expertise was in road building, not bridges.

Gouws was then consulted and, after speaking to VKE's head office in Pretoria, she gave verbal instructions that work should continue.

Written instructions were received only the following day.

Price said: "If no written confirmation was received, I would have stopped work on the bridge."

The cracks were monitored by covering them with masking tape in an attempt to see if they increased in size.

Price said he admitted the monitoring was "not very scientific."

The disaster cost Concor about R20m.

The inquiry continues.

BD 5/3/99
Company seeks to refute a compensation bid by 2,000 SA miners by – in part – having their UK lawyers described as ‘ambulance chasers’

Asbestos claim: ‘spin doctors’ fire first salvo

Dr Gerrit Schepers, a South African government health inspector, once remarked thus: “The administration used young boys within the collecting bags to trample down and compact the asbestos stuff. There was a burly fellow padding the bags to lash at the backs of any boys who slowed their pace.”

This is not an account of slavery in the 18th century, but the recollections of Schepers, who witnessed the labours of asbestos workers in British-owned mines as recently as 1965.

His testimony is to be used by lawyers as part of legal claim by more than 2,000 sick South African asbestos workers and their families against Cape plc, the British company that owned the mining concern which employed them.

Because of a test case in the House of Lords last year, the way was opened for them to sue and, at least, 1,000 did so this week.

But they have already come up against the forces of spin Cape, which owned the Cape Asbestos Company Ltd until 1979, has employed Charles Lewington, John Major’s former media guru, and Wolf Weeks, who ran Sir Edward Heath’s private office, to deflect attention away from the company’s responsibilities.

Already, the men and their companies, Media Strategy Ltd and GJW Government Relations, have set about trying to paint stories in the right-wing press as painted by the potential costs of granting legal aid to so many foreigners, and describing their lawyers, Leigh, Day & Co, as “ambulance-chasers”.

They will not, however, be able to erase Schepers’ memories of asbestos mining at Penge, in the northern Transvaal.

He saw men, women and children fighting for breath and dying from the cancers in their lungs caused by asbestos fibres.

“On the matter of whether black workers and white workers received equal health protection, it is almost ludicrous to suggest such a thing,” he wrote to Leigh, Day & Co.

“The white workers spent 95% of their day in offices or dust-controlled enclaves in the mill. The black men, women and children were exposed to all the dust that was generated in drilling, blasting, mucking, cobbing and crushing asbestos ore.”

He said white workers were given proper health care. “At the mine and mill, the white workers lived in proper houses and were paid enough to be able to afford proper food and some luxuries such as automobiles.”

“The blacks were crowded together in shanty town hovels, paid low, and subsisted mainly on sour milk and maize porridge. There was no doctor for the blacks.”

It is against this background that Cape is mounting a publicity blitz aimed at applying pressure on the Lord Chancellor, Lord Irvine of Lairg, to block legal aid applications from the South Africans.

“The intention is to portray the issue as a ‘foreigners get legal aid’ story” rather than promoting the “poor victims of heartless multi-national story.”

Leighton is understood to have advised Cape.

“A friendly journalist at the Daily Mail should be alerted, the (journalists) would be provided with an (our) estimate of cost to the taxpayers were all plaintiffs to be fully funded.”

In 1997, the latest records available, Cape reported profits of £123 million (about R395 million) on a turnover of £243.2 million from manufacturing and supplying building materials.

Richard Meeran, the Leigh Day partner representing the workers, said this week: “People here should not object to these workers claiming legal aid in Britain.”

“Their claim should be paid from British taxes because, for decades, they were exploited by British companies who raped the assets of their homeland and transported it to create wealth in Britain, leaving them with nothing except terrible illness.”
Cracks at Inyaka bridge were 'ignored'

Stephané Bothma

PRETORIA — Guests at the launch of the Inyaka River bridge in Mpumalanga last year received no safety briefing, and were allowed to move on the building site without the supervision of contractors Concor Construction, an inquiry into the collapse of the bridge heard yesterday. The inquiry was told the guests were issued only hard hats.

The probe is being conducted by the Labour Court. The bridge, near Bushbuckridge, collapsed on July 6 last year, killing 14 people and injuring 12.

Koos Conradie, an engineer involved in building a similar bridge in Swaziland, told the inquiry he was invited by consulting engineers VKE to attend the launch. He said the entire structure started moving while he was on the deck of the bridge, which was still under construction. The inquiry heard earlier that cracks in the concrete were visible more than a month before the bridge's structure collapsed.

Conradie, who has 14 years' experience as an engineer, said if he had been working on the Inyaka bridge when the cracks were first noticed, he would have contacted the design engineer. He said calculations were needed to determine the cause of the cracks before allowing any work on the bridge to continue.

Conradie said the feeding of the launching pad should have been monitored and the launching process should have been stopped if the pads had been used incorrectly.

The inquiry continues today.
Workplace accidents put strain on economy

By Mzwakhe Hlangani
Labour Reporter

An unacceptable high rate of workplace accidents placed enormous strain on the economy's resources, resulting in about R17 billion loss since 1996. Labour Minister Mr Membathu Mdladlana said yesterday.

Statistics on workplace accidents reveal that 7,028 accidents have occurred, with deaths reaching 482 in 1997 and 581 in 1998 in all industries.

The Ministry of Labour is currently in the process of drafting regulations that will address health and safety in the building and construction sector, and consolidate a range of existing regulations that already apply.

Mdladlana has also undertaken to launch a strategy to prevent occupational diseases and accidents, rather than dealing with their consequences, after an accident at a Randburg construction site in which two people died and a third was injured.

The strategy also highlights the need for greater compliance with occupational health and safety laws and a commitment to safe working practices.

"Reducing occupational diseases and accidents will not only improve and save people's lives but will also greatly reduce the hundreds of millions of rand paid annually to victims of work-related accidents and relieve the pressure on the country's health services," Mdladlana said.

The ministry is also involved in an inquiry into the collapse of the Injaka Bridge in July 1998 in which 12 people were killed and 14 others injured.
Concor deviated from safety?
Agent failed to carry out duties, bridge probe told

Stephané Bothma

PRETORIA - The Concor Construction site agent responsible for supervising the building of the Inyaka river bridge in Mpuamalanga was yesterday accused of "absolutely failing" to carry out his responsibilities as determined by the Occupational Health and Safety Act.

The bridge, under construction near Bushbuck Ridge, collapsed on July 6 last year, killing 14 and seriously injuring 12 others.

Attorney Richard Spoor, representing families of the deceased at an inquiry into the disaster, stopped short of accusing Concor site agent Peter Price of complete incompetence during heated cross-examination, an accusation strongly denied by Price. Lasting more than 10 examples of alleged failures by Price to carry out his duties properly on the day of the collapse, Spoor said he was "shocked and appalled" by what he was hearing.

Spoor also accused Price, a qualified engineer, of being evasive and of refusing to answer certain questions.

"I will not let him get away with it. This is a serious matter and it is essential that we get answers," the attorney told inquiry chairman Larry Roodenberg.

Spoor said Price totally failed to supervise the performance of building work on the day of the collapse, had been unaware that site workers were carrying out some essential tasks incorrectly, had no understanding of the significance of several cracks which had appeared in the structure, did not know whether or not construction supervisors were properly briefed or that some workers on the bridge had not been supplied with safety harnesses and safety boots as required by the act.

Price had not supplied a written plan of action should something go wrong and did not know that at the launch of the bridge, on July 6, a worker spotted a new crack.

Price, who was in his site office when the bridge collapsed, disagreed he had failed to carry out his duties as per the act, saying he had been busy with administrative work which was an equally important part of his duties.

The inquiry also heard Concor had decided not to use stress wires between bridge piers and abutments to monitor deflections of the piers as specified in the contract. An alternative method of measuring the movements had been used.

Spoor said use of stress-wire had been a "standard, fundamental" practice by everyone who had been building that type of bridge for 20 years. "I discovered only after the collapse that stress wire systems were readily available," Price said. The inquiry continues today.
Process ‘did not comply with contract’

Stephané Bothma

PRETORIA — An engineer who was part of a team responsible for the construction of the Inyala River bridge in Mpumalanga, which collapsed last year, told a hearing into the disaster yesterday that he had no knowledge of the provisions of the contract in terms of which the bridge was built.

The bridge collapsed on July 6 last year, while under construction near Bushbuckridge, killing 14 people and injuring 12.

Ricardo De Sa, section engineer for the project, said that with hindsight he now realised the process he used to monitor the deflections of the pillars of the bridge did not comply with the terms of the contract.

“I should have known the provisions of the contract, but I did not,” De Sa said during cross-examination by Adv Jan van der Westhuizen, representing the labour department at the inquiry.

De Sa was employed by Concor, the project’s construction company. Under the contract, deflections should have been monitored continuously during the launch of the bridge and emergency switches should have been installed to stop the launch if prescribed deflections were exceeded. This was not done, De Sa said.

The probe, chaired by Larry Kloppenberg, heard that on the day of the collapse Concor had used casual labourers to perform crucial tasks without proper training or supervision.

De Sa testified that despite specific requirements in the contract, he had been ordered not to monitor two of the bridge’s pillars for deflections.

He also said he did not know what the maximum prescribed deflections had been.

During cross-examination by attorney Richard Spoor, representing families of the deceased, De Sa said he had no previous experience in the building of an incremental launching bridge.

“I was not aware of the significance of continuous monitoring of deflections,” he said.

The inquiry heard that weeks before the collapse cracks appeared in three different sections of the bridge. De Sa said it had been Concor’s responsibility to monitor these cracks.

The company had been instructed to do so by the designers of the bridge, ZKE Engineers.

The probe continues today.
Compenation means nothing to me, says asbestos miner with a ‘wound in his chest’
Asbestos: Miners Between a Rock and a Hard Place

By Linda Daniels

hard place

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Asbestos is considered a serious health hazard, posing risks to those who work with it. The government has taken steps to address the problem, but the effects on workers continue to be felt. The story of one miner who fell ill due to exposure to asbestos illustrates the ongoing struggle for justice and compensation for those affected.
NUM furious over nuclear safety bills

By Malcolm Key
Lawyers try to prevent South African asbestosis victims taking case to UK court

New hurdle for asbestosis cases

RONNIE MORRIS

Cape Town — A campaign has been launched in Britain to pressurise Lord Irvine, the lord chancellor, to amend the law to prevent the cases of 1,700 South African asbestosis victims from being tried there.

The lord chancellor is Britain's senior judge.

GJW Government Relations, a British lobby company, and Charles Lewington, the former media adviser to John Major, the former prime minister, who have launched the campaign, say the multimillion-rand asbestosis lawsuits will damage trade relationship between the UK and South Africa.

The asbestosis victims want the London High Court to determine whether an English parent company owes a duty of care to those injured as a result of its overseas operations.

In a document titled "A political and communications audit for Cape PLC", GJW said the Foreign and Commonwealth Office was concerned that the decision to pursue the case in the UK courts would be seen as displaying a lack of faith in the South African legal system.

The British department of trade and industry, the document said, would not want multinational companies discouraged from setting up their headquarters in the UK.

"The implications of such a multiple claim by foreign nationals on the public purse would be a matter of serious concern to the treasury due to its impact on future expenditure," the document said.

However, in a letter to Leigh Day and Company, the London solicitors for the claimants, Alec Erwin, South Africa's trade and industry minister, gave permission for the enforcement of British judgments, orders, directions and letters of request against Cape in South Africa.

Penuell Maduna, the minerals and energy minister, pledged his full support to the claimants and allowed inspectors to give evidence and make the relevant documents available at a trial in the London High Court.

The original case was brought in the London High Court by five South African asbestosis victims in 1997.

In January last year, the court granted Cape a stay of proceedings on the ground that the case could be heard in South Africa.

The Court of Appeal reversed the decision and ruled that the five claimants — two of whom have subsequently died — could sue the company in England.

The House of Lords has since refused the company leave to appeal against the Court of Appeal ruling.
INTERNATIONAL

Work can be fatal in poor countries

Job-related accidents kill more people than AIDS, ILO says

GENEVA — More than a million people die from work every year, more than those killed from road accidents, war, violence or AIDS, according to the International Labour Organisation (ILO).

The breakdown works out to 3,000 deaths each day, or two every minute.

Most vulnerable are workers in poor countries, where health and safety regulations are often lax or nonexistent and industries more prone to fatal accidents such as fires and leaks of hazardous materials.

About one-quarter of all job-linked deaths are caused by exposure to hazardous substances, leading to illnesses like cancer and cardiovascular disease.

Asbestos alone kills 100,000 people every year, the ILO said in a statement issued in Geneva.

The fatality rate in central Europe, China and India is almost twice that of rich countries, while in the rest of Asia and the Middle East death rates are four times higher, said Jukka Takala, the head of the organisation's health and safety programme.

On conservative estimates there are about 250-million work-place injuries each year and 168-million cases of occupational disease, said Takala.

Once again, developing countries bear the biggest burden for injuries since they have large numbers of workers toiling in some of the most perilous industries, such as logging and mining.

Children, more likely to be put to work in poverty-stricken countries, suffered 12-million on-the-job accidents each year, an estimated 12,000 of which were fatal.

The number of serious and fatal accidents in rich countries had dropped because of safety improvements, Takala said.

Overall, however, work-related diseases could double by 2020 if "improvements are not implemented now," he said.

The economic costs from accidents are "rapidly increasing."

According to Takala, the total cost, including absence from work and treatment bills, shaves about 4% from global gross domestic product, or more than the total GDP of Africa, the Arab states and South Asia combined.

Poor countries are often locked in a vicious cycle, as the migration to cities increases the need for infrastructure building while intense competition for investment capital often breeds disregard for safety, health and environmental measures.

With the spread of globalisation, industries are set up, "often informal and dangerous ones, engaging workers without previous experience of industrial work," the ILO said.

The Geneva-based organisation estimates 600,000 lives could be saved every year if available safety practices and appropriate information were used.

In all countries, a large proportion of the deaths and injuries can be attributed to inadequate safety and health information, Takala said.

The ILO said richer countries needed to deal with psychological factors such as stress while developing nations must focus on improving safety and health conditions to prevent accidents and diseases — Sapa-AFP.
Asbestos toll
Thousands more at risk from slow, ultimately painful killer

Dying man sues for R2-m over asbestos

By SHALO MBAHIA

South Africa was yesterday in the grip of a crisis as asbestos-related diseases claimed another victim. A 70-year-old man, Stephanus Kreyhan (70), a former building worker, was diagnosed with mesothelioma, a disease caused by inhaling asbestos fibers. The disease is usually terminal, with an average survival time of about five years.

"I never thought I would be diagnosed with this disease," Kreyhan said. "I worked as a painter for 25 years, and I know I was exposed to asbestos. I had no idea it was dangerous.

Mesothelioma is a cancer of the lining of the lungs, heart, and abdomen. It is caused by inhaling asbestos fibers, which can become trapped in the body and cause inflammation and cancer.

"I started to feel unwell about a year ago," Kreyhan said. "I had chest pain and shortness of breath. I was taken to hospital, and they diagnosed me with mesothelioma." Kreyhan said he was experiencing severe pain and was unable to do his daily activities.

Asbestos has been linked to several diseases, including mesothelioma, lung cancer, and asbestosis, a lung disease caused by inhaled asbestos fibers.

"Asbestos was once used extensively in construction and manufacturing, but it is now banned in many countries due to its health risks," said Dr. Evertjie, a lung specialist.

"When asbestos fibers are inhaled, they can become trapped in the lungs and cause inflammation and cancer," Dr. Evertjie said. "It can take decades for the disease to develop, so many people are not aware of the risks until it is too late.

"We urge people who have worked with asbestos to get regular health checks and to avoid ongoing exposure," Dr. Evertjie said. "It is crucial to remove asbestos from buildings and workplaces to prevent future cases of asbestos-related diseases."
Asbestos: dying pensioner sues company for R2-million

Spoor added there were extremely low levels of awareness among both employers and workmen of the dangers associated with the products. In addition, when materials are cut with conventional power tools, high asbestos dust levels – up to 33 million fibres per cubic metre of air – were generated.

The "very large" damages claimed by Kleynhans were related not only to his "degree of pain and anguish" but also to "highlight the shortcomings in the existing workmen's compensation law, which provides woefully inadequate levels", said Spoor.

People whose lives are also in danger are the thousands of township residents whose schools, clinics, and house roofs and ceilings are made of the most deadly asbestos – crocidolite, or blue asbestos.

An indication of the risks involved comes from one of Evertte's own policy and procedures manuals, which sets out a "risk management programme".

Merely cleaning an asbestos roof is a hazardous operation, according to the company. It says dry brushing of such roofs is not recommended because "excessive quantities of respirable fibres are likely to be released into the breathing zone of the worker, or are otherwise widely dispersed by winds."

Evertte says high-pressure spraying is the "most acceptable method" of roof cleaning, but recommends that filters be fitted to gutters to collect the fibre residue, and after the job is complete, such fibres should be sealed and "disposed of as rubble."

Asbestos expert Dr Sophina Kisting writes in the latest edition of Indicator SA that the following groups of people are vulnerable to asbestos dangers:

- People exposed to asbestos-containing products in homes.
- People exposed to asbestos-containing products in homes.
- People exposed to asbestos-containing products in homes.
- Communities and workers along asbestos transport routes.
- Communities and workers along asbestos transport routes.

Last year, the 50-year-old Phutha Secondary School in Soweto was closed because officials were concerned about the rapid deterioration of the asbestos walls and roof and its effects on the pupils' health.

A Saturday Star investigation into the asbestos killer led us to a poverty-stricken rural community in eastern Mpumalanga, where people live under the shadow of a huge asbestos dump.

The asbestos mine has been in operation since the 1940s. The people there all appear to have respiratory problems, and believe they are dying of exposure to the substance.

None of the people we spoke to know of the dangers of asbestos. Yet they knew enough to know it was probably the "madumase" – asbestos fibres – which was causing their health problems.

Horrifying toll of asbestos – See Page 6
or no risk?
Asbestos,
poses little
Controversial substance deemed
SA asbestosis sufferers take legal fight to the UK

RONALD MORRIS

CUPIDO ADAMS, 76, of Prieska, last left South Africa to fight in World War II. Last week he left South Africa again to fight a British multi-national company for compensation for his illness.

Yesterday Adams told British MPs that after the war he joined Cape Plc, the world's largest asbestos mining company, as a packer.

He was not given protective clothing and, like members of his family long since dead, he suffers from asbestosis.

He, along with almost 2,000 other South African victims, have instituted damages actions against Cape Plc in the London High Court after the House of Lords ruled that a British company could be sued in a British court for injuries caused by their overseas operations.

Hendrik Israel Afrika and other claimants said they suffered personal injuries or damages, as a result of Cape Plc's negligence.

They said Cape Plc was aware of the dangers of asbestos from 1931 when Britain's asbestos regulations were introduced.

Two months ago, Cape Plc was accused of trying to pressure the Lord Chancellor, Britain's senior judge, to amend a law to prevent the damages actions being heard in the UK. In a document, Charles Lewington, a media adviser to former British Prime Minister John Major, said the cases could damage trade relations between the two countries.

It also said the Foreign Office was concerned that pursuing the cases in the UK would be seen as displaying a lack of faith in the South African legal system.

The firm also tried to whip up public sentiment by saying the claimants would be funded by the British legal aid system.

Trade and Industry Minister, Alec Erwin, has given permission for the enforcement of a British judgment in South Africa, while Mineral and Energy Affairs Minister, Penuel Maduna, has consented to mine inspectors giving evidence and to make documents available.

In Prieska, where Cape Plc operated a mill for 34 years, 13% of the deaths were attributed to mesothelioma, a painful asbestos-related cancer.

Here asbestos levels were recorded in 1948 as almost 30 times higher than the maximum permissible UK limit.

Cape Plc disinvested in 1979 leaving behind thousands of asbestos victims penniless and uninsured. It left it to the South African government to deal with contaminated and abandoned mines.
New-look Nosa will be a profitable business

Moses Mlangeni

THE National Occupational Safety Association (Nosa) is planning to become a profitable business operation, integrating safety, health and environmental issues to meet global rules.

"There was no way we could keep on surviving and providing a service with an annual contribution from the compensation commissioner and the funds earned from course presentations as our only source of income," said Nosa marketing manager Enrico du Plessis.

Many saw Nosa as an apartheid government establishment, but today trade unions were "extremely positive" about it.

Nosa, founded by several SA employer organisations, industry representatives and the Compensation Commission in 1951, said it was expanding its international operations. Its leading edge was to provide both big and small companies with tools to measure independently their own workplace safety, instead of merely complying with state legislation.

20 24 5 99
Five workers burned in factory explosion

CHANTEL ERIFO
Staff Reporter

Five men have been burned, one seriously, in an explosion at an aluminium factory in Parow.

The five men, all employees at Metlite Alloys, had second-degree burns to their arms and legs, although they were wearing protective clothing.

A spokesman for Western Cape Paramedic Services, who took the men to NI City Hospital yesterday, said the most seriously injured man had second-degree burns.

Company owner John Reid said the explosion was caused by a chemical reaction between molten aluminium and water.

"Somehow water got into the moulds.

"When the molten aluminium was poured into one of the moulds, it reacted with the water.

"This caused a spray of boiling water to splash the men."

None of the men had severe injuries to their faces as they all were wearing face-shields.

"The man who was closest to the mould suffered severe burns to his legs.

"Our number one priority at that stage was to get the men who had been splashed out of their overalls immediately."

Mr Reid also said that the protective clothing worn by the men was designed to protect them more from hot metals than from hot water.

The injured men were also treated for shock.

NI City Hospital matron Anmatjie Bex said four of the men had burns to between 10% and 20% of their bodies.

One had had boiling water splash in to his eyes.

His condition had since stabilised, said Mrs Bex.

The fifth man was in intensive care.

He had burn wounds to more than 80% of his body.

Mr Reid said he would do everything in his power to see that an accident of this kind didn't happen again.
Bid to delay asbestos case

Ronald Motlou

THE fate of thousands of asbestos victims and their families hangs in the balance as the London High Court decides this week on a bid by Cape plc defendant to vary a multination pound damages action, a stay of proceedings.

Asbestos, a debilitating lung disease, and mesothelioma, a very painful asbestos-related cancer, are caused by unprotected workers breathing asbestos fibres.

Cape plc owns asbestos plants or mills in the Northern Cape, the Northern Province, North West Province and Gauteng and is headquartered in South Africa in 1979, leaving thousands of asbestos victims in its wake.

Cape plc is defending a damages claim brought by Helen and 7000 workers who are being paid by a British legal aid agency. About 400 former Cape plc workers have died or are receiving sick leave due to asbestos-related diseases.

The application for a stay of proceedings will be opposed by the legal team for the claimants. Five days have been set aside for the hearing.

Judgment is expected before the London High Court on Monday.

In 1997, five South African asbestos victims successfully sued Cape in the London High Court. The company appealed against the decision last year.

Since then, other victims have been tracked down in South Africa by the London law firm South Day.

In January last year, the London High Court granted Cape a stay of proceedings on the grounds that the case could be heard in South Africa. However, the Court of Appeal overturned the decision and ruled that the five claimants — who have died — could sue Cape in England.

A House of Lords judgment granted Cape leave to appeal against the way that an initial 10% South African victim was made to use the company in the London High Court.

Cape plc will argue that the Court of Appeal’s decision was wrong.

In 1991, when Britain’s asbestos regulations were introduced to reduce exposure, it was not aware that at high concentration, the largest number of claimants would sue and its decision should therefore be reversed.

The hearing has been set aside for five days. Eminent South African advocates Peter Holden, SC, and Gilbert Marcus, SC, for Cape plc, and Jeremy Gassett, SC, for those who wish to hold Cape plc liable, will be heard by both lawyers.

The hearings are set to be held in South African courts, but damages can be brought on behalf of a decedent’s estate and whether mechanisms in South Africa are sufficient to address the issue.

Trade and Industry Minister Alec Erwin has given permission for the enforcement of the British judgment in South Africa. Similarly, Paul O’Hare, the former minister of consumer and energy affairs, has pledged his support to the claimants and condemned the South African insurers for their role in asbestos cases.
Bid to keep asbestos case in SA

LONDON: A British company being sued by 4,000 South Africans, who say they are victims of asbestos-related diseases, began its latest court action yesterday to prevent the case from being heard in Britain.

A High Court in London began hearing the "stay application" by industrial group Cape plc, which wants the joint legal action by the alleged victims heard in South Africa.

The plaintiffs say they contracted diseases as a result of Cape plc's asbestos mining activities in South Africa, in the Northern Cape and Northern Province. Many are former employees of Cape plc, which sold the last of its mines and mills in South Africa in 1979.

The most serious disease affecting people exposed to asbestos without protection is mesotheloma, a cancer of the lining of the lung or of the abdomen.

Cape's senior lawyer, Brian Doctor, told the court yesterday the case should be heard in South Africa because the events leading to the claim had occurred there and that was where the relevant information had to be collected.

"The allegations made against (Cape plc) have to be investigated from scratch," Doctor said.

"The defendant has very little documentation relating to South Africa. There is no one to whom the company can turn. It has to go out and find documents, information, witnesses and so on."

Lawyers for the plaintiffs will argue there is no mechanism for South African courts to hear a mass claim of this nature.

Solicitor Anthony Coombs, who represents 1,500 of the claimants, has previously argued that Cape plc took decisions in Britain which directly affected practices followed on the mines. The latest case will last at least until Thursday. — Reuters
Johannesburg - The South African Municipal Workers' Union (Samwu) called yesterday for the dismissal of senior managers at the Potchefstroom municipality for "gross negligence after two sewerage workers died from gas poisoning in a manhole."

Samwu said the two workers were overcome by methane, sulphur dioxide and hydrogen sulfide while working in a manhole earlier this year.

"The workers were not wearing any protective equipment and had received no education and training that would enable them to identify hazards," Samwu said.

"According to the Occupational Health and Safety Act, the workers should also have been provided with gas detecting devices."

The Potchefstroom municipality was not available for comment.
Workers battle to prevent disaster after blast hurts 45

ARGUS CORRESPONDENT AND SAPA

Brits – Emergency staff were last night struggling to stabilise two highly explosive tanks of hexane liquid gas to prevent another blast like the one that injured 45 people, two of them critically, at a Brits factory.

The two men, one aged 42 and the other 34, were seriously injured in the blast yesterday, in which a pressure vessel exploded.

The Labour Department's director of occupational health and safety, Benny Mahlangu, said the two tanks, called pressure vessels, were being emptied and cooled down.

"If they should explode, the force could rip down neighbouring factories," he said. "But we have complete faith in the emergency personnel, and are sure they will be able to avert such a situation."

The two men were burnt over 90% of their bodies in the explosion, which destroyed about one-third of the factory and caused damage estimated at R15 million.

An official at the Pretoria hospital said the two were on life-support machines in the hospital's intensive care unit, where they were being kept in isolation for fear of infection.

Another six patients were described as unstable and were being monitored at the Brits Mediclinic. They were to have surgery to clean their wounds.

Another other nine people were being treated for mild burns and respiratory problems because of gas they had inhaled.

The clinic's nursing service manager, Emily Wasserman, said 45 people had been treated throughout the day, but only 15 admitted.

Brits fire chief Gert Malan said some of the poisonous liquid gas had also leaked into the Crocodile River, from which water was extracted for domestic use.

But the gas evaporated quickly and there was no danger, he said.
Asbestos case: SA or UK?

GUSTAV THIEL
CONSUMER WRITER

THE London High Court is expected to decide at the end of this month whether a case involving 4,000 South Africans, who claim to be suffering from asbestos-related illnesses, will be heard in South Africa or England.

Cape plc, once the largest asbestos mining company in the world, said on July 5 that the case should be heard in South Africa when it became apparent that the number of claimants had risen from five to 4,000.

Malcolm Lyons, a South African lawyer who represents 2,000 claimants, has just returned from London where he is trying to ensure that the case will be heard in England. According to him it is vitally important for the claimants that the case be heard in the London High Court because it could potentially mean a bigger settlement for his clients.

The claimants say they contracted the diseases when they were employed by Cape plc in the Northern Cape and Northern Province. Cape plc sold the last of its mines and asbestos mills in South Africa in 1979. The mines were at Prieska and Koegas in the Northern Cape, Pomfret in the North West and Penge in the Northern Province. There were several factories in Benoni.

Cape plc started its operations in South Africa in 1930.

It left in 1979, leaving stranded without compensation many victims of asbestos-related illnesses.

Figures released by the SA Pulmonary Society in March this year showed that more than half of former asbestos workers suffer from lung diseases caused by asbestos. The society also said half of the population of Prieska suffers from asbestos-related illnesses.

In 1997 five claimants were successful in suing the company in the London High Court, but the court granted a stay of the proceedings on the grounds that the case should be heard in South Africa.

Cape plc's senior lawyer, Brian Doctor, argued that the case should be heard in South Africa principally because the events leading to the claims occurred in this country and relevant documentation was likely to be garnered in South Africa.

Doctor said his client had very little documentation relating to South Africa and would have to start an investigation from scratch.

Lyons told the Cape Times that he was not sure what the London High Court would decide, but remained confident of winning the right to sue Cape plc in London. He said judgment had been reserved by the court, but expected a decision by the end of the month.

DEADLY DUMP: A worker at an asbestos dump in Lebowegama wears a mask during an exercise to halt asbestos pollution.
Asbestosis victims lose bid for UK suit

Cape Town – The hopes of 2,000 South African asbestosis victims were dashed on Friday when the London High Court granted Cape, an asbestos producer, a stay of proceedings in a multimillion pound damages action.

Asbestosis, a debilitating lung disease, along with mesothelioma, a painful asbestos-related cancer, occurs when workers breathe in tiny asbestos particles.

Justice Buckley found the cases ought to be dealt with in South African courts because of the practical difficulties in dealing with claims in the UK and that an injustice would be caused to Cape.

Richard Meeran, the attorney for the claimants, said he was “naturally disappointed” by the decision but the case was “always going to be appealed whatever the outcome had been.”

He was still optimistic about the claimants’ prospects of ultimately being able to proceed with cases in England and vowed to “fight on until the end.”

Meeran said commercial interests had prevailed over justice for the victims.

“The judge’s reference to public policy was deeply offensive,” Meeran said. “A British company that goes to South Africa and relies on the system of apartheid to exploit black workers – including young children – should properly be held accountable in England.”

The company owned huge asbestos mines and mills in the Northern Cape and Northern Province, as well as asbestos mines in the Northwest and Northern Province, and factories at Benoni.

Cape disinvested from South Africa in 1979, leaving thousands of asbestosis victims penniless and uninsured. Contaminated mines were abandoned.

The judge acknowledged that several of the 2,000 claimants had died since the court action began in January and that their next of kin had therefore lost their right to compensation under South African law. The claimants had chosen to sue Cape in the UK rather than South Africa and had only themselves to blame for this loss, he said.

In January last year the London High Court granted Cape a stay of proceedings brought by the five on the grounds that the case could be heard in South Africa. The court of appeal, however, overturned the decision and ruled that the five claimants – two of whom have subsequently died – could sue Cape in England.

The House of Lords subsequently refused Cape leave to appeal and this cleared the way for 1,700 South African victims, since increased to 2,000, to sue Cape in the London High Court.
UK dodging asbestos case

By CHIARA CARTER

THE English High Court this week delivered a blow to the hopes of South African victims of asbestos-linked diseases that they might successfully sue in the country's courts.

High Court judge Mr Justice Buckley on Friday granted a stay of proceedings in a case brought by more than 2000 South African victims against Cape PLC, a British-based company which was once the largest asbestos producer in the world. Cape PLC pulled out of South Africa several years ago.

Victims have been engaged in a lengthy battle to have their claims heard in Britain where awards are usually higher than in South Africa.

This week Buckley said the cases should be dealt with by the South African courts because of "practical difficulties" in dealing with the claim in Britain.

Buckley also stayed claims brought by five initial claimants who last December were given the go-ahead by the House of Lords - the country's highest court - to sue in Britain.

The claimants were granted the right to appeal against Buckley's ruling and thus hearing is likely to take place towards the end of this year.

Buckley said that as a "matter of public policy" the English courts should not deal with claims that should and could have been lodged in South Africa. In support of this argument, he cited a US court decision not to hear claims by India's Bhopal disaster victims against Union Carbide.

Richard Meenan, the London-based lawyer for the claimants, said despite the ruling he remained optimistic about the chances of being allowed to proceed with the cases in England.

Meenan said commercial interests had prevailed over justice for the victims and that it was nothing less than gross understatement for Buckley to have described conditions at the asbestos mines and plants as "sometimes very bad".

"A British company which goes to South Africa and relies on the system of apartheid to exploit black workers - including young children - should properly be held accountable in England," Meenan said.

Diseases associated with asbestos are slow to manifest. The worst-hit areas include Prieska, Kuruman and the Penge mine surrounds.
Cape may have to pay up R1bn

RONNIE MORRIS

Cape Town - The multimillion-rand damages action brought in the London High Court by South African victims of asbestososis against asbestos producer Cape plc might reach R1 billion and involve 3,000 plaintiffs if the case was heard in South Africa, law firm Webber Wentzel Bowens (WWB) said yesterday.

Last Friday in London Justice Buckley granted Cape a stay of proceedings when he found that the case ought to be dealt with in South African courts.

Buckley cited the practical difficulties involved in dealing with claims in the UK for his decision, saying an injustice would be caused to Cape.

The judge granted the claimants leave to appeal.

In a statement yesterday Nick Alp of WWB, Cape's South African attorneys, said both he and Cape held the view that South Africa was the jurisdiction with which the litigation had its most substantial connection.

"This is a South African issue of national concern, which requires a South African solution.

"South Africa is where the injuries were allegedly sustained, it is where the claimants and the witnesses reside, it is where the documentation is to be located, and indeed where the overwhelming majority of the evidence is to be found," he said.

Alp said Cape's subsidiaries were not the only ones involved in the asbestos industry in South Africa and the claimants' alleged exposure might well have come from other sources.

A lawyer with Leigh, Day and Co, the London law firm that represents the claimants, said "It is immaterial that the injuries were sustained in South Africa.

"The allegations of negligence are against the British company Cape was at all times a British company with all of its assets in Britain and should now be held accountable for its actions in Britain without further delay."

Cape owned huge asbestos mines and mills in the Northern Cape and Northern Province (then Lebowa), amosite asbestos mines in the North West and Northern Province and factories or plants at Benoni.

In 1996 the London High Court granted Cape a stay of proceedings brought by the original five applicants, saying the case should be heard in South Africa.

The five, two of whom have since died, received British legal aid and took the matter to the court of appeal, which overturned the High Court decision.

The House of Lords subsequently refused Cape leave to appeal, clearing the way for a further 2,000 victims to institute claims.
British MP backs asbestos victims

RONNIE MORRIS

Cape Town - Cape plc, the UK mining and industrial company which disinvested from South Africa in 1979, had taken advantage of the apartheid regime to exploit its workforce, including young children, a British member of parliament said last week.

Kevin McNamara, an MP for Kingston Upon Hull North, criticised a London High Court Judge for ruling that it would be against public policy for Cape to be held accountable in a British Court for damages suffered by South African victims of asbestosis.

"No British company should be able to escape its responsibilities to the human rights of its foreign employees by hiding behind the deficiencies of the law in the country in which it operates," McNamara said in a letter to Lord Irvine, the lord chancellor.

He asked for an assurance that the British government did not share the judge's view regarding public policy.

Asbestosis, a debilitating lung disease, and mesotheliomas, a very painful asbestos-related cancer, are caused by unprotected workers breathing in minimal asbestos fibres.

On June 29, Judge Buckley granted Cape a stay of proceedings in multimillion-pound damages actions that 2,000 claimants had brought against Cape.

The judge said the cases ought to be dealt with by South African courts because there were practical difficulties in dealing with the claims in the UK. He said an injustice would be caused to Cape.

The claimants have taken the judge's decision on appeal.

The company owned Priska and Koege, huge asbestos mines and mills in the Northern Cape and Northern Province, an asbestos mine in Pongola in the North West, Penge in the Northern Province as well as factories in Benoni.

Buckley said he found that as a matter of public policy, the English court should not deal with the claims. He "took comfort" from a US district court decision which, as a matter of public policy, had stopped the claims of Indian Bhopal victims against Union Carbide, the US chemicals firm.

McNamara said the finding amounted to stating that any firm could register in Britain and carry out any operations abroad, however dangerous to its employees or the environment.

"In Cape plc's case, the asbestos operations were carried out despite the fact that the hazards were already covered by British legislation from 1931," he said.
work safety services

JAMES LAMONT

Johannesburg - The government would restructure and centralise its, occupational health and safety services, which were currently spread across a number of departments, Les Kettledas, the deputy director general of labour, said last week.

"Occupational health and safety competencies are fragmented," he said. "Our objective is to ensure greater integration and to restructure the competencies in the government system."

Earlier this year Mmbathis! Mdladlane, the labour minister, said the government would seek to achieve greater co-ordination of the occupational health and safety instruments of government.

Speaking at a seminar on the government's labour legislation programme over the next five years, Kettledas said the economy had lost R17 billion, or the equivalent of 3.5 percent of the gross national product, to accidents since 1996.

Bobby Godsell, the chief executive of Anglogold, said safety remained a tragic area of the mining industry.

"We are killing far too many people," he said. "They are acts of man, not acts of God" which arose from individuals not taking responsibility for their working environment.

Godsell said he was worried about the physical ability of many of the mining industry's employees, where the average age of miners was 45 years.

"If we can find a way to mine at 3000m, we must be able to find a way to deal with dust, heat and noise."

Earlier this month, an accident killed 19 miners on an Anglogold mine.

South African companies, like Anglo American and Bulton, that have moved their primary listing to London have said foreign investors were putting more emphasis on improving safety levels, whereas mining companies previously would commonly budget for accidents.

"For them, one fatality is too many," one executive said.

The promulgation of national regulation on the limited payout machine (LPM) industry, which has been repeatedly delayed, could pose a threat to the national lottery, Alec Erwin, the minister of trade and industry, said yesterday.

"We still have to determine how we are going to control this industry," said Erwin. "At this stage, priority will be given to the national lottery."

The promulgation of this regulation would lead to the introduction of LPMs, which are non-casino slot machines. The LPM industry is expected to create more than 2000 jobs in the first year and generate about R1.5 billion for the fiscus.

International operators, who have invested more than R300 million through joint ventures in anticipation of the promulgation, have complained about the delays.

An industry analyst said these investors could be forced to leave South Africa if the go-ahead was prolonged any further.

"If the department sees the LPM industry as a threat to the national lottery this might mean that the launch of the LPMs will only happen once the lottery has been established next year."
Cape Town – Any decision on whether to ban the use of asbestos in South Africa would have to take account of the economic realities of the country and the sub-continent, a department of environment affairs official told parliament’s environment portfolio committee yesterday.

“We should not take a radical decision in solving the question,” said Muriel Dube, the department’s chief director for atmospheric protection.

“Economic contribution should be taken into account.”

Briefing the committee on progress made in cleaning up and making safe the dozens of asbestos mines and dumps scattered across the country’s northern provinces, Dube reminded the committee that some of South Africa’s neighbours still mined and exported asbestos.

Asbestos mining in South Africa would come to an end later this year when the last operating mine, at Masuh in Mpumalanga, exhausted its deposit, he said.

But local manufacturers still imported about 2,000 tons of white chrysotile a year, most of it from Zimbabwe.

Dube said: “The approach has to take everything into account, including the economic factors it is a consideration and one must be aware of those facts.”

The final decision rested with the minister, she said.

The total rehabilitation costs for Mpumalanga, the Northern Cape and Northern Province were estimated at more than R35 million. To date the process had cost the government R35.5 million, Dube said.

Rehabilitation involved “encapsulating” the exposed asbestos with a layer of top soil, painting indigenous plants and trees, and fencing the site to stop access.

This process was “essentially cosmetic” and not in line with the policy of restoring the land to its original state.

The department planned to re-examine this issue with a view to improving rehabilitation techniques.

Dube said the department’s law reform process needed to be accelerated to address the recommendations made at the national asbestos summit, which was held in Johannesburg in November last year.
Judge pulls out of asbestos appeal

RONNIE MORRIS

Cape Town — Proceedings in the London Court of Appeal against a London High Court judge’s decision to grant Cape plc a stay of proceedings in a multimillion-pound damages action were delayed when the senior judge recused himself yesterday.

Lord Justice Beldham, who would have led the three-judge appeal panel, withdrew when he cited a family connection with asbestos business.

A new judge was found and proceedings would resume this morning and continue till Friday.

The action against Cape, has been brought by more than 2,000 South African asbestos victims who claim they have suffered personal injuries or death as a result of Cape’s negligence or breach of duty in supervising, controlling, extracting, processing or distributing asbestos and related products.

The company operated asbestos mines in Prieska and Koegas in the Northern Cape, Pomfret in the North West, and Penge in the Northern Province, and had factories or plants in Gauteng and elsewhere from 1930.

Cape divested from South Africa in 1978, leaving thousands of asbestos victims penniless and uninsured. The South African government is now rehabilitating contaminated and abandoned mines and asbestos dumps because of health hazards.

In 1997, five South African asbestos victims instituted claims against Cape in the London High Court. The company fought the action and in January last year the London High Court granted Cape a stay of proceedings on the grounds that the case could be heard in South Africa.

The Court of Appeal, however, reversed the decision and ruled that the five — two of whom have subsequently died — could sue the company in Britain.

The House of Lords subsequently refused the company leave to appeal against the Court of Appeal ruling, paving the way for a further 2,000 claimants to sue the company.

On July 30 this year the London High Court again granted Cape a stay of proceedings on the grounds that the case ought to be dealt with in South African courts and that an injustice would be caused to Cape.

The court, however, granted the claimants leave to appeal, which will now be heard this week.
Bosses acknowledge that a happy worker is an asset

Justin Palmer

The business world is beginning to acknowledge that employees are the most valuable asset in a company and that a happy productive worker will provide a better return than a stressed-out employee.

In recognition of this fact, many international companies offer free counselling to their staff on all sorts of things that affect their employees' lives. In many cases, this counselling takes the form of an employee assistance programme which allows staff to phone a help line for assistance with personal problems.

Recent research published in the Journal of Managerial Psychology says that between 10% and 15% of a country's gross national product is lost through stress-related absenteeism and staff turnover. In SA, this equates to about R3.5bn for 1998.

It has been estimated elsewhere that between 30% and 40% of all sickness-related absences from work are due to mental and emotional disturbance. And estimates show that of those workers who do turn up, the performance of one in every three on any given day is significantly impaired because of stress-related problems.

Employee well-being in general, however, is becoming increasingly important to SA companies. And now, an international company, Independent Counselling and Advisory Service, has set up in SA to offer members a 24-hour telephone counselling service. Company founder and chairman Michael Reddy says most of the reported stress in SA is caused by restructuring activities at companies and their exposure to competitive, global markets.

Earlier this year, financial services company Gensec Asset Management sponsored the Sports Science Institute of SA to the tune of R500,000. This followed an institute assessment of a top SA company which found that of the 242 employees assessed, 62% were smokers, 48% had high cholesterol and 36% had high blood pressure.

The institute's Prof Tim Noakes said, "People are the core asset of a company and the benefits of investing in their well-being far outweigh the cost of implementing a health programme."

Noakes said factors contributing to a number of chronic diseases included low levels of physical activity, smoking, high-fat diets, stress and high blood pressure.

Because high blood pressure leads to cardiovascular disease — one of SA's biggest killers — the Heart Foundation offered free blood pressure tests to members of the public last month to try to make them aware of their own blood pressure levels.

George Pappas of the Heart Foundation said research had verified that executive stress levels are "through the roof". He said, "Generally, South Africans are highly stressed which leads to road rage and now we are even seeing office rage. The recent shooting at Tempe military base was a classic example."

Yvonne Diladla of the National Productivity Institute says, "Restructuring is often accompanied by heightened emotions such as fear, anger and resistance and these will have a negative effect on productivity."

One parastatal that has undergone a major restructuring process in recent years is Transnet Administration. The appointment of a young, black, female CEO, Penny Tshabi, at the company which administers medical schemes, has caused problems.

Tshabi said many employees were uncertain about the future because of the transformation taking place at Transnet. This had resulted in low productivity, low morale, high absenteeism, high incidence of depression and a high incidence of alcoholism. After her company offered an employee assistance programme to its staff, employees reacted positively because they believed management cared about their welfare.
Blasts Rock City Factory

Seven rushed to hospital after gas explosion fireball hits Ndabeni plant

A gas explosion today at an engineering factory in Ndabeni has left seven people seriously injured. One had to be airlifted to hospital.

Workers at Allweld Marine and Engineering suffered second- and third-degree burns as they tried to put out a fire which apparently started when a gas cylinder exploded early this afternoon.

Seconds later, a bigger gas bottle exploded in the yard, blowing out the workshop's brick wall. The company is next to the ambulance station and rescue personnel responded within seconds after seeing a huge fireball go up.

Leon Montague of Metro Rescue said the accident scene had been cleared within 15 minutes.

Six of the injured were taken to City Park and Nyanga hospitals and the most severely hurt worker was airlifted to Milnerton Medi-Clinic, where he is in a stable condition.

Four of the patients are in a serious condition in City Park.

Nuria Stumvoll, Milnerton Medi-Clinic spokesperson, said the man had suffered "severe burns" and that the burns were on his hands, forearms and legs.

"He has sustained second-degree burns on his arms and legs and is now being treated in the intensive care unit in Milnerton Med Clinic," Stumvoll confirmed.

The second patient had been treated and was expected to be discharged later today.

The owner of the company, Josephine Illens, said the gas bottle exploded.

"When the staff tried to control the blaze, more gas bottles exploded. There are normally about 20 gas bottles on the premises." She said it was unclear what caused the explosion and how many people might be injured.

"I was upstairs in the office when I heard the bang. The lights went out." She said the damage was extensive with the workshop completely destroyed.

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Helping staff deal with the pressures of life

Employee assistance programmes also make economic sense, writes JANETTE BENNETT

Susan was battling at work in the head office of a large company. She was frequently absent and found it impossible to concentrate on tasks. The root of her distress did not, however, stem directly from work—her marriage was in serious trouble and she had related financial problems. Instead of telling her to bring her problems to work, her boss suggested she call the Independent Counseling and Advisory Services (ICAS). She received assistance from a psychologist who provided marriage counseling and from a debt advisor who helped her to better manage her debt. The change was dramatic. Susan fell in control of her life. Her self-confidence recovered and she could concentrate on work. Consequently, her productivity shot up.

Susan's name has been changed, but her case is real. It highlights the pressures most of us face at work today. Work is part of life, and employees do not conveniently forget "personal" hardships—substance abuse, a family member with AIDS or depression—while working hours nor can they function well if they are facing problems at work.

Many companies recognize that employees function better if they are coping with challenges in their broader lives. The response has been to introduce Employee Assistance Programmes (EAPs). These are still regarded as an amenity in SA but are well established in the US and the UK. ICAS counts among its clients British Airways, BP, Mobil Oil, General Electric, Hewlett-Packard and South African Breweries. In SA, they include Transnet and the Development Bank of Southern Africa.

ICAS provides EAPs which are systematic, business-focused programmes of intervention. They recognize that employees have problems, be they emotional, physical or practical, according to ICAS (SA) clinical services director Andrew Davies EAPs help individuals to cope with the pressures on them. At the same time, they provide companies with invaluable data on what problems are most prevalent, as well as a breakdown by region and site. Ultimately, they contribute to an organization's productivity by "Our main objective," says ICAS SA managing director Pat Gomeda, "is to help companies grow through productive, healthy employees."

She says there have been a shift in EAPs from internal programmes to outsourced EAPs, which ensures independence and confidentiality and removes that help-seekers will be stigmatized or seen as weak. "Can you imagine a senior manager approaching an employee and saying, 'I'm here, or I need help?"" There is also a healthy shift, she says, from perceptions that EAPs are "welfare" services to the realization that they need to be part of a strategic plan. "SA has consistently performed dismally in the World Competitiveness Report, coming in at 49th out of 57 countries in the 1999 report. People are one of eight factors used to measure a country's competitiveness, and this year SA came in dead last."

At EAP's SA launch last month, National Productivity Institute executive director Dr Yvonnes Eliaida said SA had to work on a multi-pronged strategy to increase its capacity to become competitive. "It would appear that SA has a critical role to play as they seem to be the only nation that can figure out the truth—people are the critical link to the success or failure of our enterprises."

Property-implemented EAPs in the US are an example. An independent survey last year showed that companies with comprehensive EAPs had a 25% lower turnover and a 9% better rate of profit. They also showed a 25% lower sickness absence from work due to stress and emotional disturbance. Davies points out all of us need stress to help us function. The danger comes when stress reaches a level where it pushes a individual into ill health—distress.

And EAPs are cost-effective. Studies show that for every $1 spent on an EAP, $6 is saved through better productivity and lower health costs, absenteeism and staff turnover. ICAS provides a helpline number which employees can call (anonymously, if they wish) 24 hours a day, seven days a week. Calls centre psychologists will intervene immediately in a crisis situation, and will refer callers to face-to-face intervention when required.

There is a clear need for EAPs in SA, "We are finding 50% of employees are making use of the programmes," Davies says. "The international norm is 15% in the US."
The dust is gone, but the effects linger on

Walton Pantland

Workers at Cape Town’s Athlone power station are afraid. They’ve seen several of their colleagues die of asbestosis, and more are looking ill.

“You see a guy beginning to lose weight at work and you know what’s wrong, even if he doesn’t say anything,” says Trevor Rueb.

Rueb (47), who has worked on the power station’s turbine floor since 1979, tells how he and his co-workers had to cut away asbestos coverings on pipes, without using any protective equipment. They then used air hoses to blow the area clean, causing the deadly asbestos fibres to become airborne.

That was before the Occupational Safety Act was passed in 1987, introducing the first controls to industries using asbestos.

When the Mail & Guardian visited the power station last month, most workers were reluctant to speak openly, Rueb was the exception.

Two years ago, Terry Hudson was the first worker to break the silence when he told M&G how working with asbestos had left him with “breath like cracking paper.” He is now living on a pension of R250 a month.

“No one stood by Terry,” says Rueb. “We were too afraid to admit there was a problem. Now I realise we need to stand together on this. We’ll never win by battling alone. The council attacks and wins, because there is no unity.”

It’s a sentiment Lance Velaan of the South African Municipal Worker’s Union (Samsu) agrees with. He says the council is not committed to solving the problem, and accuses it of “foot dragging.”

One of the biggest bones of contention is the fact that an affected worker will only be medically boarded once he has lost 40% of his lung capacity. Most affected workers have lost less than that, but Rueb, who was diagnosed with mild asbestosis, says “it doesn’t feel mild to me, it’s bloody sore.”

Workers can’t resign because they will lose their pensions and medical aid, so the union is campaigning to allow them to be redeployed elsewhere.

Samwu estimates that more than 100 workers are affected out of a total workforce of 428.

Three workers, who identified themselves as Chaka, Swayaz and Easy, said they experienced a shortness of breath, and one said that when he inhales deeply, it feels as if there is broken glass in his lungs.

They were all examined by Dr Neil White at the respiratory clinic at Groote Schuur. “He told me I’m all right.”

White is part of a task team appointed to address the asbestos issue. But, according to team member Professor Barneb de Villiers of Stellenbosch University, the team meets “only when a problem arises.”

The union isn’t happy with the team and has campaigned unsuccessfully to have an independent group, the Industrial Health Research Group, appointed to monitor the situation.

Former employee Charles Kadaile (47) asks: “How can you get your own employer to do medical screening? The system at present is to protect the employer.”

One month after being passed by the medical officer for the council health department, Dr JR Wooley, Kadaile was diagnosed by a private doctor as having asbestosis.

He questions the willingness of the council’s doctors to detect asbestos. The council claims he is fit to work, and is currently in breach of his contract of employment for refusing to return to work.

Asbestos is an excellent and economical insulator. It is no longer mined in South Africa, but has been used in homes and schools throughout the country. In the power station it is used for lagging pipes. It becomes a problem when the material gets old or the buildings are demolished. This releases microscopic asbestos fibres into the air, which can then be breathed in. The fibres lodge in the lungs and cannot be removed.

This can cause a range of diseases, especially lung cancer and cancer of the lung lining, mesothelioma. Symptoms usually only appear 15 or more years after exposure.

According to the cancer association, 30% of cases of mesothelioma are caused by environmental factors alone.

This has some worrying implications for the suburbs of Pinelands, Athlone and Langa, which are adjacent to the power station.

Power station manager Wouter Roggen said he sympathises with those who have been affected, but could not comment on the issue of compensation.

- Last year, Environmental Science Services cleared the power station of dangerous asbestos. Subsequent testing has shown the environment to be fairly safe. But for those already affected, it’s too little too late.