

INDUSTRIAL ACCIDENTS / HEALTH

1998 - 1999

New claim against chemical giant Thor

PC
(131)

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Ann Eveleth

Fresh legal action has been launched by 20 South African workers against chemical giant Thor. The workers are claiming unspecified damages from the corporation's United Kingdom parent company, Thor Chemical Holdings Ltd, for ailments arising from chronic mercury poisoning allegedly sustained during their employment at Thor's Cato Ridge mercury-processing plant in KwaZulu-Natal.

Lephila Mhlanga seeks compensation for the 1992 death of her husband, Felix Mhlanga, who died from alleged mercury poisoning sustained during his employment at Thor. At least three other workers have died from alleged poisoning. The workers' UK-based attorney, Richard Meeran, confirmed his office initiated proceedings against the company on February 11. Last year Meeran represented 17 former Thor workers and the families of the three deceased workers in a landmark case against the UK company, securing a R9-million out-of-court settlement.

Meeran said there are many similarities between the two groups of workers. "The only difference is that many of these claimants are still working at Thor. The mercury exposure levels of this group are of the same order as those in the last case and they suffer many of the same problems, ranging from poor concentration, bleeding gums and tremors to memory loss and irritability. I would hope that in light of the last



Mighty Thor: Ten workers from the company's Cato Ridge mercury-processing plant are suing the company for allegedly exposing them to excessive mercury levels. PHOTOGRAPH: NATAL WITNESS

settlement they would also settle in this case, but they are not bound to do so."

A Thor representative said the company is aware further action is pending, but could not immediately say whether the company will fight the case. "We knew they were likely to come through with another bite, but we did not admit liability in the last case," the representative said, referring to Thor's claim that it had settled merely to avoid more expensive court costs, not because it believed the workers had sustained mercury poisoning through their work.

Medical Research Council specialist Mark Colvin said, however, medical examinations showed that all 20 workers in the new case had been "chronically exposed to high levels of mercury during their employment with Thor."

Apart from neurological symptoms, including sexual dysfunction, tiredness, quick tempers and severe memory problems, urine tests had revealed all the workers concerned had been ex-

posed to mercury levels "substantially above" the level the World Health Organisation (WHO) links to such symptoms.

"As measured by Thor themselves, these workers were frequently exposed to two to three times this level, with some workers exposed to above seven and even 12 times the WHO level," said Colvin. "My overall impression of this group of workers is that their brains have been 'clouded' or 'dulled' by long-term exposure to high levels of mercury. The workers each give highly personal and specific examples of how they have been affected, and there is no doubt that the impact on their quality of life is profound."

Meeran said the workers shared similar stories about Thor's practice of "shuffling" workers to different posts when tests showed their mercury levels were too high.

"A responsible company would limit the leakage [of mercury] into the working environment, and where it did leak, would have

proper methods to extract it and proper protection for workers. Instead Thor would shift highly contaminated workers to the garden, or lay them off and replace them with casual workers queuing at the gate for work."

The Thor case is one of three Meeran is fighting against UK multinationals on behalf of Southern African workers. Rio Tinto Zinc faces claims from two cancer sufferers who were employed at its Rossing Uranium mine in Namibia.

In a third case, 10 workers are claiming damages from asbestos corporation Cape PLC. Three South African workers at the company's Northern Province Penge mine and three environmental victims of its North West Prieska mine have been joined by four Italian workers in a fight for damages after suffering asbestosis.

"We are seeking to hold UK parent companies of multinationals accountable in UK courts for injuring people in other countries," said Meeran.

Thor sued again - denies new work on mercury

(131) (82)

OWN CORRESPONDENT

ARU 21/2/98

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 Meeran, 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 30 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

(131) ET 11/2/98

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 to 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 (£8bn) 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, check-out operators and assembly line employees — Reuter

A pain in the bosses' necks

(21) HD 9/3/98
Josey Ballenger

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 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 R22,6m 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 Matlow 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 9.30am.

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 to 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 bathtub 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 R500 a month, a substantial sum for a labourer in the Cape Town harbour earning between R1 500 and R1 600 a month.

ARG 17/3/98



OSFED ZILWA

Striker: South African Railways and Harbours Workers Union members march today to Portnet headquarters to state their grievances

Computers: a sight for sore eyes?

Stop it or you'll go blind: old warning for a new menace as addicted kids face vision damage

SHALO MBATHA

Are your kids computer addicts? Do they spend hours in front of the monitor, playing games or working on school projects? If so, they could be damaging their vision permanently.

Optometrists and eye specialists warn that younger children in particular should not be allowed to spend hours gazing at computer screens. This is because their eyes become used to focusing on a fixed point at close range - something which can easily lead to shortsightedness.

And, although eye problems in children can easily be corrected with the use of special glasses, the damage can be permanent if they are not diagnosed and treated early.

A Pretoria mother was shocked last week when she took her children to have their eyes tested.

Her 7-year-old son, a whiz at computer games, spends about two hours a day in front of the machine. The optometrist who tested his eyes

said he detected early signs of shortsightedness.

He recommended that the child spend no more than 45 minutes at a stretch in front of the screen.

Other optometrists differed on the amount of time that could be spent on a computer without a break, but all were adamant that regular breaks were crucial.

Optometrist Dr Clyde Alexander said children should be encouraged to take a 15-minute break for every two hours looking at the monitor.

They should then look into open spaces to relax their eye muscles. He also said that even though children were more likely to suffer later in life, their eyesight responded more rapidly to corrective measures.

Dr Alexander said bifocals, single vision and progressive glasses aggravated the situation, because the users tended to use specific muscles of the eyes more, causing strain.

Adult computer users are not as fortunate as children, and correcting their computer-induced eye defects is much more difficult.

A journalist who has developed eye problems is now wearing a pair of glasses designed specifically to deal with this problem.

They are called Office Lens. The eye wear was developed jointly by eye specialists and orthopaedic surgeons because it has been found that about 60% of computer users develop bodily posture problems, which may in part be caused by hunching over to squint at the screen.

The lenses are available to anyone who develops eye strain while using the computer.

Younger people can use them but research suggests that people aged 40 and over seem to benefit more.

The Office Lens should be used to look at computer monitors only. However, the journalist wearing them says she has noticed little improvement in her eyesight.

Eye strain and eye damage are not the only side-effects of computer use. Other side effects include cataracts of the eye, facial dermatitis, photosensitivity epilepsy, female reproductive problems, repetitive strain

injury and various inflammations of the carpal tunnel, which houses the nerves of the fingers.

Leading computer manufacturers and eye specialists agree that regular breaks are the key to averting vision problems.

Children are affected as well but no study has been able to establish a direct correlation between the improper use of computer monitors and eye problems.

The redesign of computer monitors has minimised some side effects.

Sarah Leroux, national business manager of Tarsus Technologies, said "a good quality monitor should have an anti-shadow mask, have an anti-glare coating and must have a high resolution."

Most importantly all computer users should take regular breaks.

Manufacturers and eye specialists agreed research should be ongoing. They also agreed that monitors should carry signs warning of the hazards of continuous use without a break.

(131) ARlt 2/5/98



EYE-TECH experts say too many hours in front of computers can cause long-term damage to children's vision

The spanner in the work laws

In 1997 more than three people died every day in work-related accidents. Researchers at Cape Town's Alternative Information and Development Centre ask why the figures are so high

Business is delighted to bask in the publicity given to its campaigns against crime. However, it plays another role in law and order that receives (virtually) no mention. And it is not unhappy about this lack of publicity, for what is being kept in the shadows is its role as a leading lawbreaker.

Most health and safety accidents at work are caused by employers' breaches of the law. The silence surrounding this is all the more surprising, given that the problem of accidents at work is both enormous and well documented. These points leap off the pages of the recently published 1997 annual reports of the Department of Labour and the Compensation for Occupational Injuries and Diseases Fund.

No less remarkable is the lack of public response to the authorities' open acknowledgement of their failure to implement the law. The general inability of the police and justice system to enforce the law is a matter of major political concern — except when the law affects the health and safety of citizens at work. Then, not even the state's open acknowledgement of collusion with lawbreakers from the world of business merits a murmur.

The picture painted in gruesome detail by the labour department's and compensation fund's annual reports shows that at least 863 workers were killed at work in 1997 — more

than three workers died every weekday throughout the year. And this excludes all workers killed on mines.

Of the reported accidents, 666 resulted in amputations and 1 606 produced fractures. Thirty-six per cent of the accidents resulted in sick leave of between two and four weeks, while 27% were off work for four to 16 weeks.

The total cost of reported accidents in 1998 was R733 659 709. In that year 22.23-million person-days were lost as a result of reported workplace accidents — compared to the 3.9-million person-days lost as a result of strike action.

The actual position is considerably worse than even the official statistics indicate. There is large-scale under-reporting of accidents. An indication of the scale of the problem is that not even workplace deaths are accurately reported.

The overriding cause of the [serious machinery] incidents is ascribed to "failure by management to ensure the correct operational procedures are being applied by workers".

Seventy-seven per cent of contraventions of health and safety law that resulted in reported "accidents" in 1997 were due to employers' failure to meet their statutory obligations. These obligations include the duty to train workers and establish adequate procedures to enforce safe practices.

Where is the sheriff? The Occupational Health Inspectorate enforces health and safe-

ty legislation other than on mines. This inspectorate consists of 93 inspectors dispersed across 10 provincial offices and three labour centres. These 93 inspectors are responsible for enforcing legislation in all factories, farms, offices and shops throughout South Africa!

In 1997 health and safety prosecutions were down 66% compared to 1996. The two primary reasons given for this were the large number of junior staff employed as health and safety inspectors, and a vacancy rate of 33%.

The inspectorate's primary role includes the rendering of an inspection service. Workplaces registered as being "explosives workplaces" are manifestly among the most dangerous. There are 57 such workplaces nationally — 51% of them were not inspected in 1997.

No less disturbing than the small number of inspections that do take place is the large number of infringements of the law revealed.

Boilers, for instance, are an inherently dangerous place. There were 8 805 registered boilers in South Africa last year. Only 848 (or 10.8%) of them were inspected. Yet these few inspections revealed 1 678 infringements of health and safety law.

Enforcement of the law has been deliberately designed to invite non-compliance. In the most unlikely event of a miscreant employer being found out, the worst that is likely to happen to the employer in the first instance is being served with an order to comply with the law.

The policy of the labour department also encourages collusion with the lawbreakers. The reporting of accidents provides a striking example of this form of collusion.

The law requires employers to notify the

(131)

M+G 19-25/6/98

department of all accidents or occupational diseases within seven days of each occurrence. Rather than enforce this law, the department keeps statistics on the extent to which the law is flouted. Thus the department is able to say how long it takes those employers who do both to report accidents to actually do so.

During 1997 employers took 107 days on average to report occurrences that are supposed to be reported within seven days. Again, rather than implement the law, the department is attempting to get around the problem by allowing employers to submit reports by phone. The law itself makes no provision for this new procedure.

In general, none of these problems are new. Under apartheid, health and safety legislation — to the extent it existed — was never taken seriously by either the employers or the state itself. What has changed is that we are now in a democracy governed by a Constitution that enshrines the dignity of all inhabitants and guarantees everyone the right to "an environment that is not harmful to their health or well-being".

Unfortunately, little of this has had any impact on the health and safety problems faced by citizens at work. What appears to be happening in practice is that, having brought democracy to our land, new South Africa seems to be ready to make accommodations with the otherwise untouched features of the old order. The labour department would seem to be caught up in this wider accommodation.

On the other hand, we should applaud the department's candour in detailing the realities faced by workers. The department has given us the information to make us deeply concerned. The challenge is for us to do something.

JOLTED BY CAPE TIMES INVESTIGATION

Govt team tackles

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

DISEASES WHICH KNOW NO BOUNDARIES

— PAGE 15

asbestos epidemic

(131) CT 1/7/98

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Asbestos diseases *CT 11/7/98* (191) know no boundaries

SOUTH AFRICA has the unhappy distinction of being the global epi-centre of asbestos-related disease. A thriving asbestos industry has meant a high death toll. But not only miners are dying. City people are dying too. Report and four case studies by LISA TEMPLETON.

MESOTHELIOMA (pronounced mee-zo-thee-lo-ma) is not a nice way to die. Caused by breathing in needle-like asbestos fibres which burrow into the lining of the lung, mesothelioma takes 10 to 40 years to develop.

Unless caught in the very early stages, it has no cure. The tumour grows with speed and can spread from the lungs into the abdomen and oesophagus. It can lead to paralysis. The patient suffers excruciating pain and struggles to breathe through fluid-filled lungs.

It is estimated that 5 500 South Africans have died from mesothelioma as a result of environmental exposure alone — in other words, they have not worked with asbestos. The Cancer Association estimate that 30% of mesothelioma cases stem from environmental exposure.

The cancer registry recorded 966 mesothelioma cases in South Africa between 1988 and 1992, about 200 people per year. Experts say this is a vast underestimate as the majority of those recorded were white, yet 92% of the asbestos mining workforce was black.

Asbestos exposure is an on-going problem in South Africa and medical experts are only starting to take a toll of the casualty figures now.

The government recently turned its attention to South Africa's asbestos exposure epidemic and, following a *Cape Times* investigation last year, the National Assembly's Portfolio Committee on Environmental Affairs and Tourism has formed a task team to find solutions.

While thousands have died in the asbestos mining areas, cases are cropping up in the cities that have raised question of how widely people

have been exposed to the deadly fibre. But is there cause for alarm? Only a small percentage of people are susceptible to mesothelioma.

Despite much research, there is still uncertainty as to why this is — some researchers believe people are genetically inclined to it. Asbestos fibre is only hazardous once airborne, when the microscopic fibres can be breathed in.

According to city doctors, most urban patients with asbestos-related disease were exposed through their work at a time when asbestos was widely used.

Many patients were once brake fitters, workers in power stations (two Athlone power station employees have died of mesothelioma and seven have asbestosis), ship crews, boiler makers, carpenters or roofers.



Teacher advised to seek pension

Case study three

MARGARET GRAVER, 52, was diagnosed with mesothelioma last year.

She was given a year to live if her treatment was not successful. She has continued to work as a teacher but now her career is in jeopardy. Because her health could take a turn for the worse at any time, she has been advised to consider seeking a disability pension.

"It is a shame I have been able to work up until now and it is good to know that you can still be useful," Grayer said.

She has no idea how she was exposed to asbestos. She too has never been near SA's asbestos mining belts. "I am from Scotland. I lived in Inverness until I was 25 and since I came to SA I have lived in Hillbrow and later Benoni," she said. "I used asbestos heaters for years, so that may have been it."

She too taught in a prefab for a while. Her doctor believes that this is where Grayer had contact with asbestos fibre.

"My x-rays were terrifying, my one lung is all white-out."

Grayer is one of a number of patients trying out a French drug for this disease which has no known cure. "I am a research rat," she said.

She is also having chemotherapy in an attempt to control the spread of the disease.

Grayer's oncologist, Dr Daniel Vorobof said the only contact she could have had with asbestos was while teaching in the prefabricated classroom.

Jonan Human, general manager of Darbel which manufactures asbestos heaters, says it is impossible for the heater to have caused the illness. "They are completely safe, even when they are old, because the fibres they secrete are too large to get into your lungs."

These heaters are no longer made from asbestos but from fibreglass and cement.



'I wanted to walk to end of earth and jump off'

SHIRLEY LARGE was told she had six months to live because she has mesothelioma, an excruciating lung cancer caused by breathing asbestos fibre.

Large has never been near South Africa's asbestos mining areas.

She believes her only exposure to the potentially deadly fibre was while teaching in a pre-fabricated classroom in Port Elizabeth. (She has requested that the school not be identified.)

The principal of the school confirmed in a letter that between 1974 and 1992 Large spent most of her teaching career in an asbestos pre-fabricated classroom.

"These classrooms were often in a very poor state of disrepair."

"I can recall leaking roofs, ceilings collapsing, walls being damaged by vandals and floors caving in," he wrote.

"I further recall how Mrs Large and a working party of pupils and possibly a school labourer, on more than one occasion scrubbed down the dirty walls and repainted them."

Now Large is paying the price for her 17-year career as a primary school teacher, as the cancer creeps from her lungs to her oesophagus and her liver.

When she visited her, she was breathless by the time she reached her front door to let us in.

Her world has shrunk, a staircase has become an Everest for her.

Her lung x-rays are white with tumour, but her face is clear and she has bright blue eyes.

She was told by a doctor "You are

going to die."

"I was completely shattered, I wanted to walk to the end of the earth and jump off. But I had to learn to live with this thing."

Large's symptoms started eight to 10 years ago with pain in her diaphragm and below her shoulder.

Initially she thought she had pneumonia or bronchitis.

"Looking back, it must have been my lungs filling with fluid," she said.

Today she has four litres of fluid drained from her lungs at regular intervals.

It took Cape Town doctors three weeks to diagnose mesothelioma.

"They were completely puzzled, then they made a tiny cut in my lung and it looked as if it was encased in sago pudding," Large said.

The Regional Office of the Department of Labour in Port Elizabeth took a specimen from a classroom, which was found to contain white, brown and blue asbestos by the National Centre for Occupational Health.

Dr Rodney Ehrlich, director of the Department of Community Health at UCT's Medical School, said in a letter that asbestos fibres could have been released from the deteriorated prefabricated walls and become airborne by the continuous movement in the classroom.

Because of extreme temperatures, Large used heaters in winter and fans in summer.

This "might have created conditions



for inhalation of an effective dose (for mesothelioma) in her case", Ehrlich wrote.

He added "It is accepted that the asbestos in the buildings is best left in place and with the proper maintenance of the sealing, it should pose little or negligible risk to users."

Case study four

Lung illness found after short breath

JO MCCALL, 66, did clerical work for Bells Asbestos, a former Salt River insulation firm, for 32 years.

Last year, she discovered that she had developed asbestosis, a thickening of the lung caused by asbestos fibres.

"I had a funny turn," McCall said.

"I had done something quite exerting and I could not get my breath back."

"It was very scary, I was on my own and I sat all night unable to breathe."

"My doctor did tests and found I had asbestosis."

"In the scans my lungs were white."

The firm she worked for did insulation on industrial sites.

"There were gangs of men who did the insulation jobs and worked with the raw material."

"I remember the men in the store were given masks in the later years and workers were given a pint of milk a day."

"I suppose it was to help with the asbestos exposure."

"We always said it was a dusty old place, but we weren't aware that it was asbestos dust."

"The air-conditioner probably drew it in from the store."

"We knew there was a danger, but we did not think it would affect us."

"I wouldn't have gone to work there if I knew there was any danger."

Dr Neil White of the Occupational Medicine Clinic at Groote Schuur Hospital has seen seven or eight asbestos-related cases from Bells Asbestos in 15 years.

One case was for lung cancer, four for asbestosis and the rest with pleural disease.

Mother succumbs after battle

SUE ROSS, a mother of four, was 56 when she died of mesothelioma. By the time she died, she was taking 800 milligrams of morphine to counteract her soaring pain (the normal post-operative dose is 25mg) and the cancer had moved into her spine, paralysing her from the arms down.

But Ross was a fighter. To make the most of her last year she travelled the stretches of SA, Zimbabwe and France. Three weeks before her death in April 1996 she was awarded a doctorate in Fine Art for her thesis on Helen Martins, the woman who created the Owl House in the Karoo.

Ross could not pinpoint when she had contact with asbestos. She grew up in Johannesburg and spent 13 years in the Eastern Cape married to a cattle farmer.

After racking their brains Ross, her family and Dr Dave Woods, who was her boyfriend and general practitioner, came up with the following possibilities.

"She had a hairdryer for many years and when it packed up, a friend opened it and found it thick with asbestos powder — its lining was crumbling. I think she was blowing it on her hair every day for 10 or 20 years," Woods said.

Another possible contact was her years spent in the Eastern Cape where farm houses are often have coal stoves and chimneys lined with asbestos.

All leading hairdryer manufacturers assured the *Cape Times* that asbestos was not used in hairdryers today. However, asbestos may have been used in the past to insulate the heating element.

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 alone. 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 reaction.

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 regulation. The report also

mentions that most poisoning cases are not reported.

Moller says many farmers are in the process of mechanising the way they apply Dormex so that it is sprayed rather than brushed manually on to 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.

MTG 24-30/7/98

(131)

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 al-

so 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

(191) 00 28/7/98

Legal action considered against Thor

(131) (EB)

KERRY CULLINAN
PARLIAMENTARY BUREAU

ET 28/7/98

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

(199)

SA asbestos victims may claim in UK

RONALD MORRIS
JUSTICE WRITER

(131)
CT 31/7/98

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 Meeran, 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

(131) (131)
Sowetan 18/8/98

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 appointing 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 ministries, would investigate

● A method for the immediate

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

containment of the leaking mercury waste drums, as well as contaminated soil in the Cato Ridge plant's storage areas This should go ahead even if it meant suspending the plant's operations, and

● 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 your portfolio committee, in the person of its chairperson, appeared to hold Thor Chemicals accountable for the lack of progress"

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

Toxic waste incineration expert and Associate Professor of Chemistry at New York's St Lawrence University Dr Paul Connett 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'

(131) (85)
~~(88)~~) CT 18/8/98
KERRY CULLINAN

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 commission of inquiry that presented its recommendations in 1997, "no practical steps have been taken to resolve the issue of mercury residues remaining on our 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 Connett, 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

Thor 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 must report back to Parliament on August 31 on the situation — particularly that of the containment of waste — at Thor's mercury recycling operations at its plant in Cato Ridge

The committee also called on the health department to appoint an independent team of doctors, with international assistance if necessary, "to assess the medical condition of workers at Thor — past and present — as well as the community"

Critics of Thor claim the leakage of mercury due to inadequate storage has contaminated the soil which, in turn, has contaminated the water supply in the area.

Committee chairman Gwen Mahlangu said if the soil was found to be contaminated, operations might be suspended. "We need to be pro-active and not wait for things to happen"

The task team will include representatives of the departments of environmental affairs and tourism, water

18/8/98 (191)
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

Thor 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 Connett 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"

CHEMICALS Firm appalled by claims it refused to dispose of waste

State 'betrayed' Thor

CT (MR) 19/8/98 (131) (131)

SHIRLEY JONES

KWAZULU NATAL EDITOR

Durban — Thor, the Cato Ridge chemical manufacturer implicated in mercury poisoning during the early 1990s, 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



MYSTIFIED Barry Longden, the managing director of Thor, believes the company is being made into a scapegoat

PHOTO BARRY TUCK

was clearly being used as a scapegoat for government's failure to act on the Davis 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 attempts 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

"On the government's own instructions, we are powerless to do anything except to store the spent catalyst so that it poses neither health nor environmental problems," he said

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

He insisted that Thor had not snubbed government but had done everything to co-operate with every state department involved

Call for (131) safety in workplace

By Mōkgadi 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.

85/816
Newspaper

ON-THE-JOB VIOLENCE

(131)

M 11/9/98

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 nonfatal 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

ON-THE-JOB ATTACKS IN 1996

	Men	Women
France	11,2%	8,9%
Romania	8,7	4,1
Argentina	6,1	11,8
Switzerland	4,3	1,6
Canada	3,9	5,0
Netherlands	3,6	3,8
England	3,2	6,3
US	1,0	4,2
SA	0,7	0,7
Russia	0,4	0,5
Indonesia	0,3	1,1
Austria	0,0	0,8

SOURCE: INTERNATIONAL LABOUR ORGANISATION

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'

BD 2/10/98 (132)

René Grawitzky

Congress of SA Trade Unions (Cosatu) general secretary Mbhazima 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 freeze.

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 out 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

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

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

FM Cover Story

what the ratio will be has been left, scarily, 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?

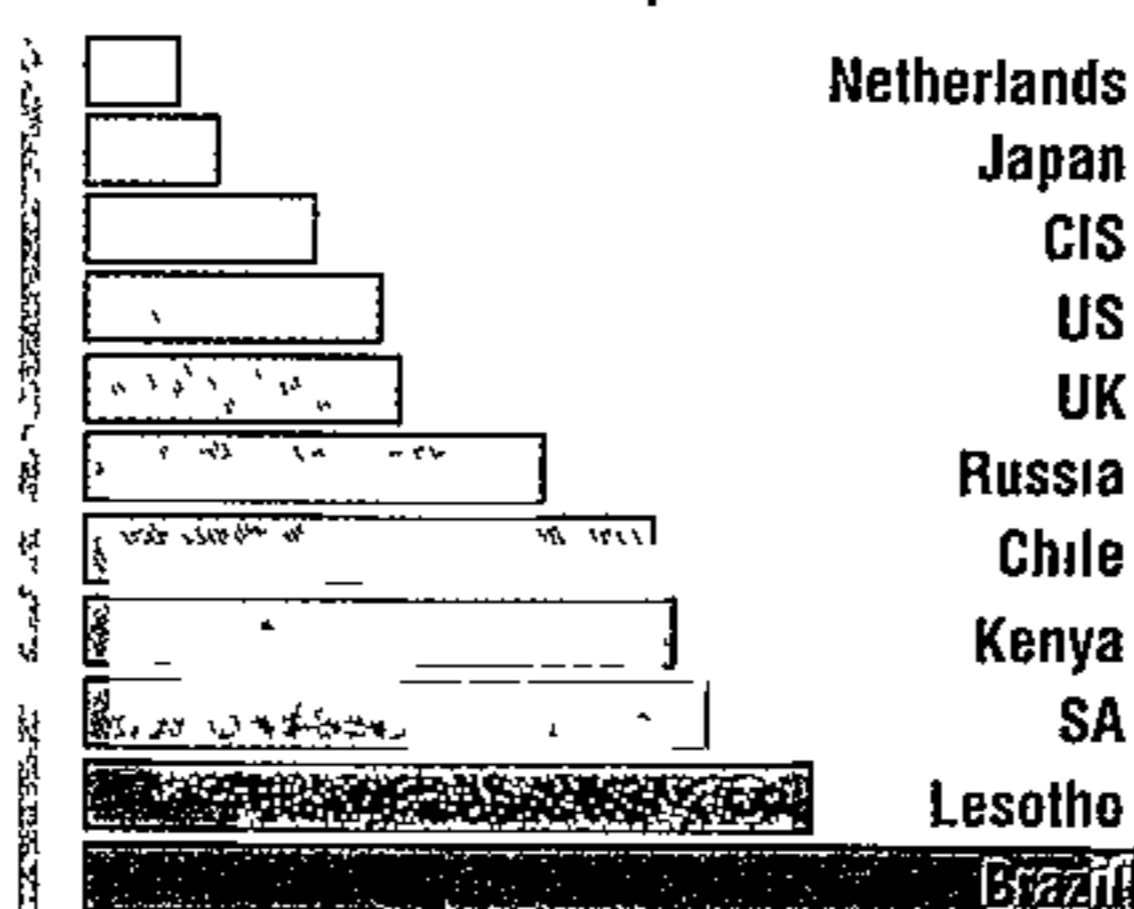
The answer is that the amendment came late in the legislative process and objections made by business representatives were ignored

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

WHY WORKERS SHOULD GET MORE

RICHEST vs POOREST
Ratio of income of top* 20% vs bottom 20%



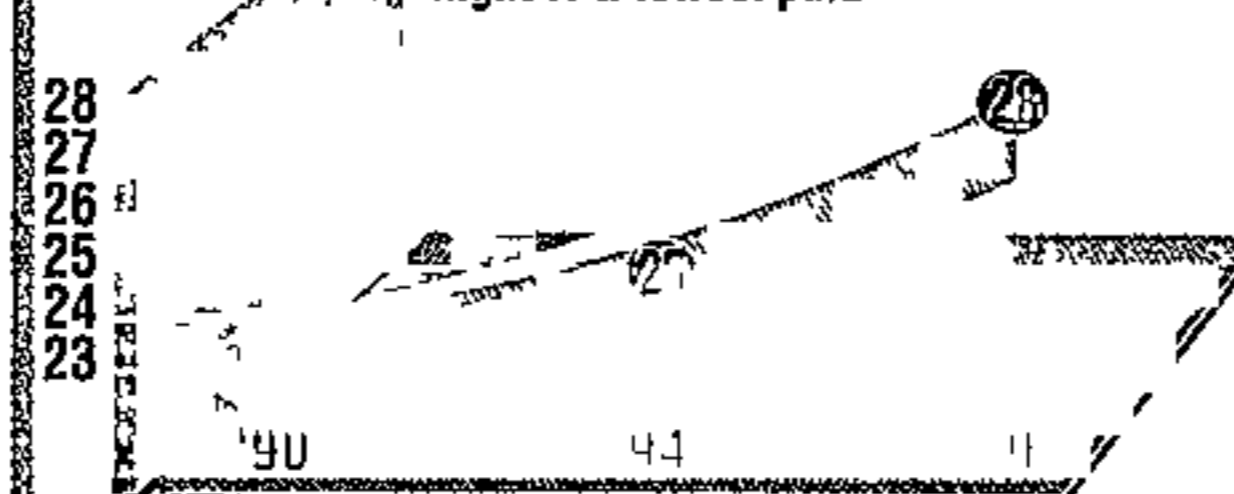
1995 1994 SOURCE: UNITED NATIONS DEVELOPMENT PROGRAM

TOP vs AVERAGE
Pay as a ratio of GDP per worker in manufacturing

	Chief exec	Human resources manag	Plant manag	Engineers
SA	1 208	485	398	399
Argentina	481	339	373	270
Chile	371	178	151	73
Hong Kong	727	373	377	283
India	573	393	416	208
Republic of Korea	578	282	320	186
UK	482	281	305	210
US	325	184	200	141

IN SA THE GAP IS GROWING

Ratio between highest & lowest paid*



*Medium-sized SA organisation based on total employment cost. SOURCE: PE CORPORATE SERVICES

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 CE of a large company would have the choice of cutting his salary to about R16 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 3 000 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 CE's discretionary income is lower than that of his UK, German, French and US counterparts.

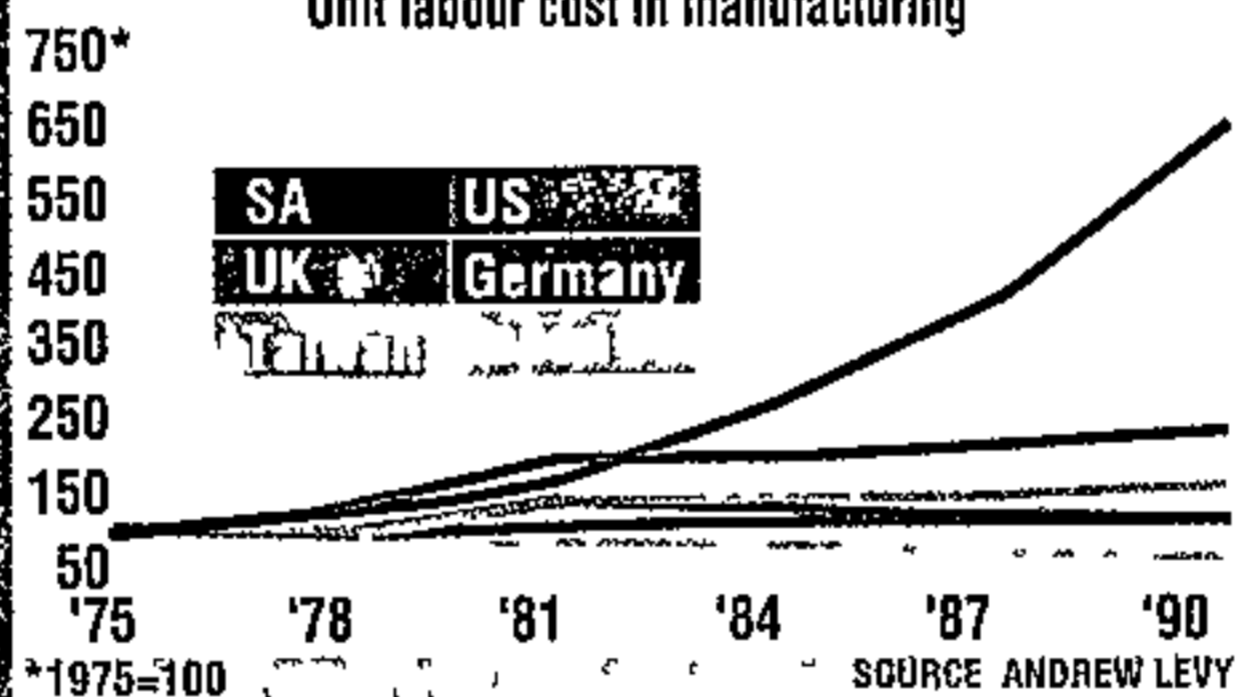
If SA wants people who can keep the wheels of the economy turning, companies will have to pay what it takes.

IS ON THE LOOSE

PM 9/10/98 (192)

WHY WORKERS DON'T GET MORE

RISING COSTS Unit labour cost in manufacturing



HOW THEY SCORE

Worker productivity (out of 10)

1 Switzerland	6,14	28 Philippines	4,58
2 Denmark	6,07	29 Chile	4,44
3 Germany	6,03	30 Malaysia	4,37
4 Belgium	5,97	31 Portugal	4,35
5 Netherlands	5,95	32 Argentina	4,33
6 Austria	5,91	33 Thailand	4,29
7 Japan	5,87	34 Czech Republic	4,16
8 Hong Kong SAR	5,65	35 Hungary	4,13
9 Taiwan	5,64	36 Brazil	4,04
10 US	5,63	37 Iceland	3,97
11 Canada	5,63	38 Zimbabwe	3,91
12 Finland	5,58	39 Russia	3,90
13 Singapore	5,54	40 Vietnam	3,90
14 Sweden	5,52	41 Jordan	3,86
15 Ireland	5,50	42 Peru	3,85
16 Luxembourg	5,50	43 Greece	3,84
17 Italy	5,28	44 Colombia	3,84
18 France	5,24	45 Poland	3,65
19 UK	5,14	46 Egypt	3,59
20 New Zealand	5,09	47 Slovakia	3,48
21 Australia	5,06	48 China	3,19
22 Norway	5,00	49 Venezuela	3,17
23 Spain	4,91	50 Ukraine	2,97
24 Mexico	4,83	51 India	2,94
25 Israel	4,72	52 Indonesia	2,93
26 Turkey	4,63	53 SA	2,49
27 Korea	4,62		

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

At worst, 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 un-economic 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,

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 review 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

7/11 Cover Story

Employment & Redistribution (Gear) framework

By targeting a ratio of eight, Cosatu will create the impression it has conceded ground if it accepts a higher figure. But,

Kipovers

Upper Class

First class sleeper seats, duvets, complimentary snoozesuits and comfort kits. All for a goodnight's kip, right through

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

Simon Barber

(132) PD 22/10/98

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 im-

pression 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

Sowetan 4/11/98

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 Kettledas, 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 envi-

ronment

Kettledas 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, Kettledas 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 profes-

sional service (131)

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

While not stating the changing figures of management appointments, Kettledas showed parliamentarians 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 Africans).

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

(131) ~~CF/AF~~ CT 24/11/98

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

Robbie Johnston, a roofing specialist who now owns 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 ceiling of the old Monte Carlo movie theatre, the Sanlam headquarters in Bellville and the SA Mutual headquarters in Pinelands

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 and at what cost

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

Spokesperson Johan Hugo said Spoornet had been using and transporting asbestos since 1910 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 fairly safe when encased in cement or if it remains undisturbed, 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 lashing of PVA paint to cover it.

"Asbestos can almost never be considered stable. The vibrations 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 rooms) completely"

Brian Gibson, convener 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 land 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 after removing asbestos from a building, there are 50 times 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 asbestosis recorded as cause of death on his death certificate. His wife receives 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 burr 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 kind of asbestos-related disease, the bank had it scraped off at a cost of about R4 million a floor

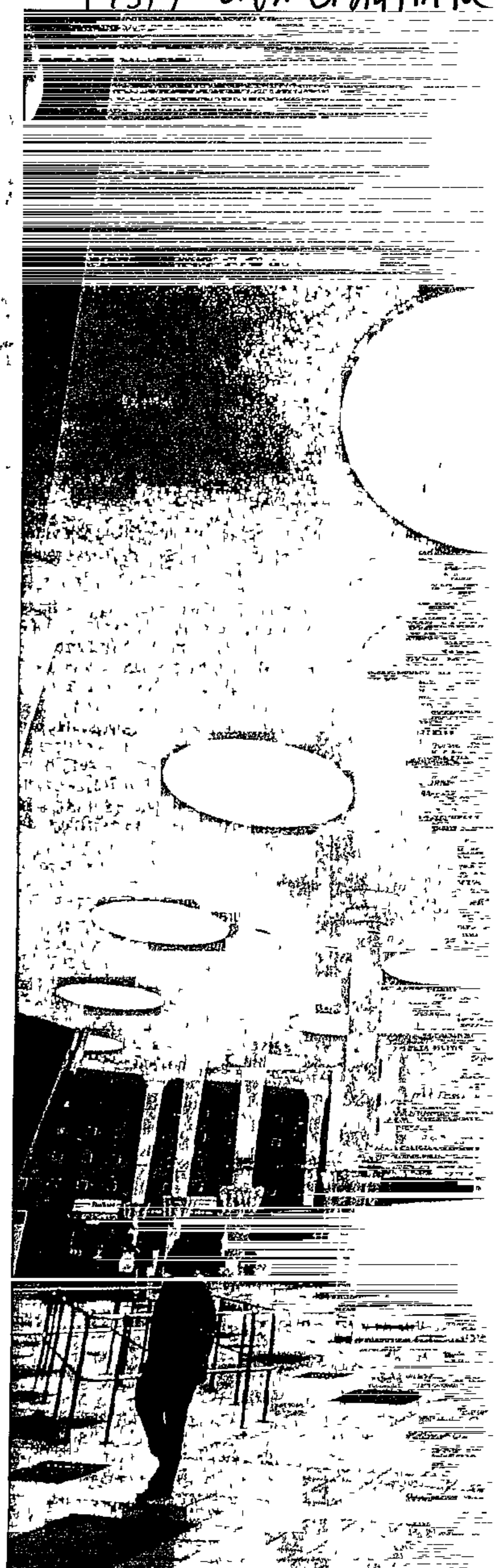
Chase Manhattan filed a multimillion-dollar suit against asbestos giant Turner and Newall

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



AT THE CROSSROADS: 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 commuters and station staff

er or life destroyer in our midst?

CT 24/11/98 (56) (131)

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 mineworkers' 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 indestructible.

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 the 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 standpoint has been 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 Mahlangu, 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.



ES • The ceiling of Cape Town station that was sprayed with lethal blue asbestos which could pose a threat to staff

PICTURE: ALAN TAYLOR

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

CHRIS BARRON

ST 22/11/98

(171)

PETROL giant Sasol has been found criminally responsible for the deaths of 53 workers who were killed in an explosion at its Middelbult 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 ineffective 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 Jungbluth, 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 shaft 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 Spoor, 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.

Spoor 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 Alfonso 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

ET 27/11/98 (131) (131)

JOHANNESBURG: In 1963 William Nakaphala was employed at the Penge mine in Northern Province to break up asbestos ore and place it on a conveyer 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

(131) Star 27/11/98

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

By MELANIE-ANN FERIS
Environment Reporter

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 chopping 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.

Most 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

Gwen Mahlangu, 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, she 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, Johannesburg metropolitan council spent R6-million to contain asbestos contamination in the west wing of the city hall.

The Pomfret military base, in the North West Province, home to nearly 5 000 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 3 000 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 conclu-

vironmental and Occupational Health Services, said patients with mesothelioma 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 mesothelioma.

Asbestosis 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

In the Northern Cape town of Prieska, it is estimated that some 3 000 people have died from ARD in the past 50 years. This province is recognised as one of the hardest hit in the country.



sive evidence that asbestos was dangerous before the 1980s.

In the mid-80s, 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 place 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 Ergosaf En-

the surface of the lungs

Environmental organisations and labour unions have called for a halt to 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 next to asbestos mine dumps and the thousands who are dying of asbestos poisoning

'Miracle mineral' in 3 000 products

(131) Star 27/11/98

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 inextinguishable.

The "miracle mineral", as it was referred to by the Greeks, was admired for its soft and plian 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 ce-

ment, 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.

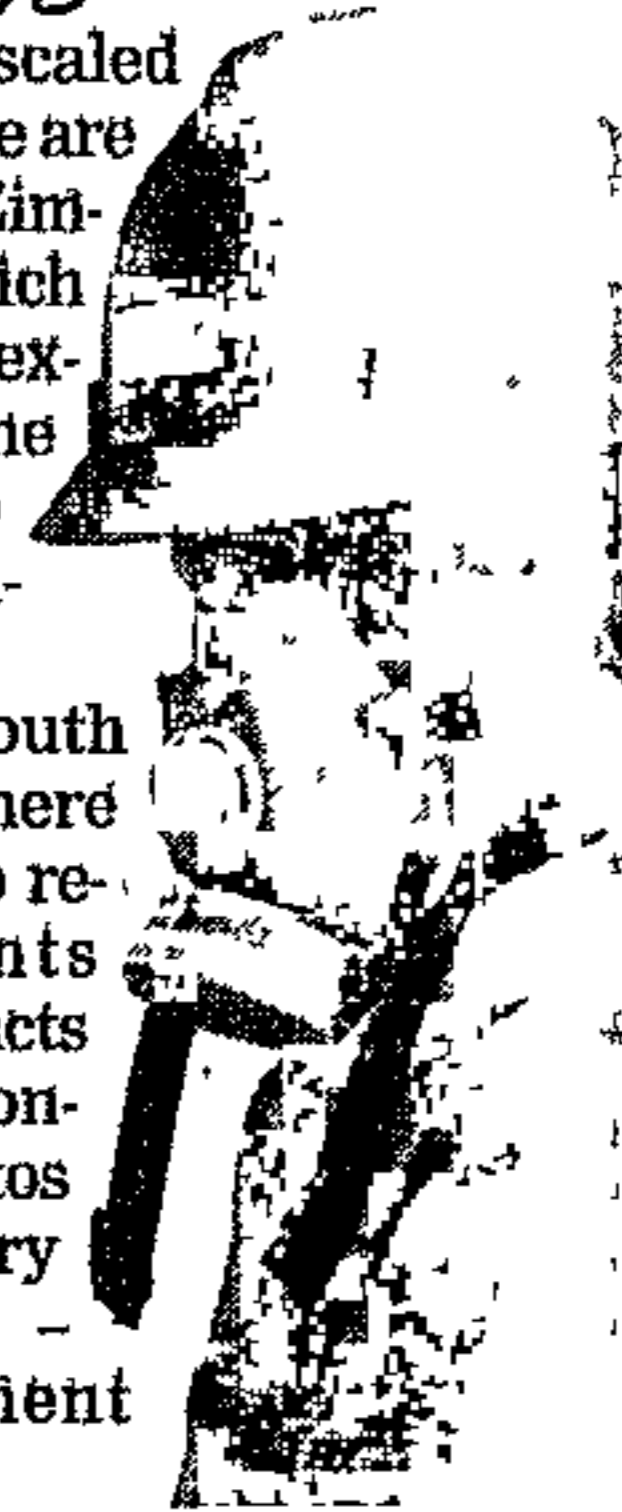
Consumer organisations have indicated that there is no body in South Africa which investigates the use of asbestos in products, although there are products on the market which contain asbestos.

Although mining activities in South Africa have been dramat-

ically 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

(131)
ARG 27/11/98

MELANIE-ANN FERIS
ARGUS CORRESPONDENT

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 Sophia 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 2 737 deaths due to mesothelioma (an asbestos-related illness) have been reported since 1965 and that 26% 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 R2,8-million was available for compensation, but compensation laws still discriminated against workers.

Said Gwen Mahlangu, chairperson of the portfolio committee on environment and tourism "The problem of asbestos poisoning is a lot bigger than we thought.

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

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



Won't go back to work: Charles Kadalie

Lung disease 'not diagnosed'

ARGUS CORRESPONDENT

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 farce," he said.

The Kadalies say there has been "total silence" from the municipality

Even brief exposure is enough

ARGUS CORRESPONDENT

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 Work-

man'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 Mahlangu, chairperson of the portfolio committee on environment and tourism.

Piet Marais, managing director of Ergosaf 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.

Asbestos battle looms (191)

Mungo Soggot

A legal and political battle looms over the rights of South Africans suffering from asbestos-related diseases to claim compensation from British asbestos companies in United Kingdom courts.

The claims promise a transformation of the lives of thousands of South African workers. But their lawsuits could be thwarted by legislation in Britain outlawing such litigation.

The *Mail & Guardian* is in possession of correspondence that shows Britain's lord chancellor is contemplating legislation to disallow foreign workers from lodging claims in British courts.

The lord chancellor argues such litigation has "no real connection with England". He also says it could encourage multinational companies to move out of Britain and has

invited debate on the matter.

The main targets of the lawsuits are Cape, once the largest asbestos producer in the world, and Turner & Newall. Both companies pulled out of South Africa years ago, providing South Africans with the opportunity to sue them in the British courts.

Many of these companies' mines have not been rehabilitated, posing a potentially lethal threat to the workers and families left behind. The roads to some of the abandoned mines remain strewn with asbestos.

The UK's highest court, the House of Lords, is currently considering a petition from Cape to hear its appeal against a ruling in a British court that allowed South African asbestos victims to sue Cape in Britain. For a variety of reasons, awards for damages in such cases in the UK tend to be substantially higher than in South Africa. In South Africa, a Johannesburg law firm specialising in personal in-

jury cases, Malcolm Lyons & Munro,

has set up a string of offices near old asbestos mines to process claims. The firm is currently processing about 500 claims from one of the worst-hit towns in the country, Mafefe in the Northern Province, and from Praska in the Northern Cape.

The chief of Mafefe, Sellamarago Thobeyane, says most of the elderly inhabitants of the 20 000-strong town are afflicted with asbestos-related diseases. He says about 80% of the houses in Mafefe, once a base for several British asbestos mines, are built with asbestos, and there are still no warning signs near asbestos dumps.

Thobeyane says that until the late 1980s, residents had no idea of the dangers of asbestos and used the dumped asbestos rubble as "normal soil". He says the Department of Minerals and Energy has started rehabilitating the mines, but points out that an even greater threat is posed by the as-

bestos dust on the roads to Mafefe.

South Africans are generally unaware of the dangers of asbestos. The government held the first national asbestos summit this week to debate the dangers of the substance as it emerged that public buildings such as the railway station in Cape Town are sprayed with asbestos. A representative for the Department of Housing said the department did endorse the use of asbestos in low-cost housing projects providing it was "treated".

South Africa used to be the world's third-largest asbestos producer and generated about 97% of the world's "blue" asbestos, considered the most lethal. South Africa has one asbestos producer left and imports from Zimbabwe.

Asbestosis and mesothelioma — a rare form of lung cancer principally associated with asbestos — are slowly developing, so the effects of the hazard are only now becoming fully appar-

ent. Turner & Newall took out insurance of £500 million in 1996 to protect themselves against insurance claims.

A number of test cases have established the willingness of the British courts to hear compensation claims founded in foreign countries. Last year the House of Lords ruled that an employee of Rio Tinto Zinc could sue the mining corporation for work-related throat cancer he contracted on one of their mines in Namibia. The plaintiff was able to fund the case from English legal aid. It was this case that prompted the lord chancellor to investigate providing UK-based companies with immunity from such claims.

Richard Meeran, a London attorney who has been involved in several South African asbestos cases, said that Cape had settled about 1 000 claims and had never gone to court on an asbestos suit.

Meeran said in a recent article. "The asbestos mined in South Africa has caused a chain of injuries worldwide as asbestos miners and millers, people involved in transportation stevedores, shipworkers, workers at the factories in South Africa, the UK and the United States, as well as people living in the vicinity of these operations."

Union to fight for health, safety deal

Themba Hlangani

THE SA 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 general secretary Roger Ronnie 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.

60 7/12/98

Asbestosis victims win right to sue

(131) (280)

ACT 15/12/98

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 asbestosis 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 this year the London 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

This left thousands of asbestosis victims 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 Meeran, 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 asbestosis sufferers from the Prieska area and a further 1 500 victims formerly employed at the Penge mine

The instructions are to sue in the London High Court. — Staff Writer

Thousands of victims were left penniless and uninsured.

Inquiry into bridge disaster starts today

James Eedes

(131)
BD 25/11/99
EYEWITNESSES to the Injaka 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.

Uven 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 Juniors, 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 Kloppenborg, will pass the inquiry's report on to the attorney-general who will decide whether any of the parties will be prosecuted. Kloppenborg 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".

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11/26/99 (131)

I dreamed about collapse of bridge, worker tells inquiry

Graskop - A construction worker who survived when a bridge being constructed over the Injaka 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 Injaka Dam in Bushbuckridge 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 said neither Concor, which lost six workers in the accident, nor the Department of Labour, which is responsible for the inquiry, had helped the families of the deceased to attend the hearings.

"It would be impossible for

most of them to go to Pretoria as they could not afford transport and accommodation," he said, adding that moving the inquiry to Pretoria was to accommodate the Concor and VKE "high-powered" legal teams and for the convenience of some of the expert witnesses, based in Gauteng.

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

(131)

CT 2/2/99

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, Egnep mill) 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 disinvested from South Africa in 1979, leaving thousands of victims penniless — Staff Writer

SOUTH AFRICA

CT 4/1/99
**Thor loses appeal,
case to proceed (131)**

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

Work went on without remedial steps, says engineer who drafted risk assessment after the disaster

Stephané Bothma

PRETORIA — More than a month before the Inyaka River bridge in Mpumalanga collapsed, killing 14 and injuring 12, employees of construction contractor Concor noticed hairline cracks in the structure, but continued work without taking any remedial steps, the Industrial Court heard yesterday.

Concor contract manager for the Inyaka bridge project, Leshe Wardough, told the inquiry into the disaster that after the cracks "no bigger than a millimetre" were noticed on May 27 last year, Concor demanded written instructions from the project engineers, VKE, to continue with the work.

Although VKE had only responded in

writing the next day, Concor had in the meantime continued construction "at our own risk", he said.

"No remedial work was done to the cracks I do not know why."

"VKE asked us to monitor the cracks, but I do not know who did that," said Wardough, whose job in terms of the Occupational Health and Safety Act was to ensure a safe working environment and to carry out risk assessments.

The incremental launching bridge collapsed on July 6 when the soffit was not strong enough to support the bearings.

Wardough said that he had no inkling that "a failure like this might occur."

A risk assessment of the construction of the bridge, which warned of dire consequences should something go wrong,

was drafted by Wardough only after the disaster, Wardough admitted in cross-examination by Richard Spoor, representing the families of the victims.

Lasting a number of other problems during the construction, Spoor said Wardough and Concor should have been alive to possible design defects.

"But you had an attitude of as long as the bridge was according to specifications, and the engineers said it was on spec, just go ahead," Spoor said.

Wardough agreed.

The court also heard that during a site health and safety meeting held on June 17, no mention was made of the cracks.

"Cracks in structures are regarded as a technical issue, and therefore it would not have been discussed at that meeting."

Wardough said

It was also claimed that during construction, VKE had complained to Concor because workers were not wearing the required protective clothing.

Casual labourers, without any training, were also sent up 27m-high scaffolding used on the bridge on the day of its collapse.

Wardough said he believed the design of the bottom slab and web of the bridge structure, done by VKE, was inadequate, and this caused the collapse.

Spoor countered that Concor, which was responsible for the temporary structures, should have picked up design defects had it done its own calculations or done correct calculations.

The hearing continues today

(191) (191) Ad 4/2/99

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, Marilise 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 Bushbuckridge 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 Kloppenberg.

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 5/2/99

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

Atom 5/2/99 (131)

THE INDEPENDENT
London

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 fluff. There was a burly fellow patrolling 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 claims 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 almost 1 900 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 Wilf 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 plant stories in the right-wing press pointing at the potential cost 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 time 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,” Lewington is understood to have advised Cape.

“A friendly journalist at the Daily Mail should be alerted. [the journalist] 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 £12,3-million (about R123-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 action should be paid from British taxes because, for decades, they were exploited by British companies who reaped the assets of their homeland and transported it to create wealth in Britain, leaving them with nothing except terrible illness.”

“
**The blacks
were crowded
into shanty
town hovels
and paid low**
”

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 start-

ed 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.

BD9/2/99 (33)(131)

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 Membathisi 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 occupa-

tional 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 rands 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.

FOR IMMEDIATE

'Concor deviated from safety'

Witness testifies that collapse of the bridge was reasonably foreseeable

Stephané Bothma

PRETORIA — Critical safety aspects specified in the contract for the building of the Inyaka River bridge in Mpumalanga had been deviated from by construction firm Concor and could have contributed to the collapse of the structure, the disaster inquiry heard yesterday.

Fourteen people were killed and 12 injured when the incremental launching bridge near Bushbuck Ridge collapsed on July 6 last year.

The monitoring of movements in one of the pillars of the bridge — a specification in the contract — were not adhered to because Concor's equipment on the building site was not sensitive enough to do so, site agent Peter Price, in charge of supervision of the construction, testified.

Price said the monitoring of deflections was a critical safety issue. "If deflections are not monitored and a problem occurred, the bridge would fail," he testified.

A collapse was therefore "reasonably foreseeable," he admitted. He said the deviation from the contract followed discussions with

the designers of the bridge, VKE Engineering. "Our role in the bridge was to construct, not design," Price said.

A second safety measure — the installation of emergency switches on the bridge to halt launching in case of an emergency — also specified in the contract, had also not been adhered to.

The inquiry, chaired by Larry Kloppenberg, heard that more than a month before the collapse, cracks were noticed in the concrete structure.

However, resident engineer Theo van Deventer, employed by VKE, said he did not have the knowledge to attend to the cracks and that his expertise were in road building, not bridge building.

"If I saw cracks like that in one of my roads, I would break the entire thing up," Van Deventer allegedly said at the time the cracks were noticed.

Price said that several new cracks had appeared on the bridge in the month before the collapse. "Each time we expressed our concern to VKE, but were told by them to continue

with work," he testified.

A report submitted by an independent expert, Andre Oosthuizen of the firm AOA consulting civil and structural engineers, stated that if "proper supervision at each work station existed, the soffit cracking would have been observed, leading to stopping of the launch" which could well have prevented the collapse.

Oosthuizen said Concor had failed in many respects — including incorrect assembly and stressing of DW Bars, incorrect levels of temporary bearings, incorrect dimensions and orientation of sliding pads, lack of control of actual pier deflections and lack of appropriate communication on site.

Price said Concor had been aware that medical facilities in the Bushbuck Ridge area were insufficient even before the disaster.

Price, who in terms of the Occupational Health and Safety Act was responsible for supervision of the site, was in his office a distance from the bridge on the day of the collapse. He witnessed the disaster from his office window.

BD 10/2/99

(131)

Agent failed to carry out duties, bridge probe told

BD 11/21/99
Stephané Bothma

(131) (22)

PRETORIA — The Concor Construction site agent responsible for supervising the building of the Inyaka river bridge in Mpumalanga 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. Listing 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 Kloppenberg.

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 Inyaka 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 pro-

visions 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.

BD16/2/99

Compensation means nothing to me, says asbestos miner with

LINDA DANIELS

South Africa's asbestos mineworkers have an agonising choice continue working and risk death, or resign and face the prospect of unemployment

However their choice could be made easier if a proposed compensation fund gets off the ground
The report on the findings of the

last year's national asbestos summit was handed to the parliamentary portfolio committee on environment affairs and tourism this week

Among the report's recommendations is the establishment within six months of a national fund to provide compensation and legal aid to victims of asbestosis, a fatal lung disease that affects asbestos workers

But the prospect of compensation means nothing to asbestos mineworker Aron Sibande of Mpumalanga

He says he has no choice but to continue working
He has been employed by the Msauli mine in Mpumalanga for 28 years
Every two months he visits the local hospital where he pays R50 for

medication to help "take away the pain that feels like a wound in my chest"

He discovered he had asbestosis in 1995. He said he did not know of the dangers of asbestos mining before then

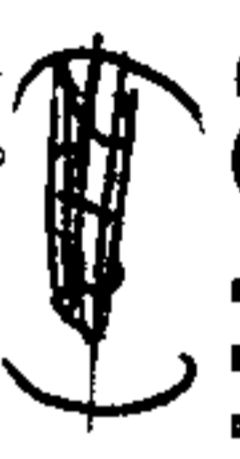
"No one told me I knew only after I went to see the doctor," he said
Mr Sibande has 14 children and is the breadwinner of the family

He said he did not have many options should he decide to stop working

"If I don't work there's no food on the table for my family
"I need help. If I stop working here no one will feed my family"

He said he was sick and uneducated and could not find other work
Many of his colleagues were also suffering from asbestosis, he said

(131)



ART 20/2/99

While new employees at the mine were aware of the dangers of working on an asbestos mine, they had no alternative
He said miners had been given pamphlets on the dangers of working there and the high risk of contracting asbestosis
Jerry Ndou, the chairman of the parliamentary sub-committee dealing with the issue, said compensa-

tion for asbestosis sufferers would benefit workers like Mr Sibande
The compensation recommended in the report included medical coverage
"I am hopeful that we'll be able to do something for people who are suffering"
"We hope to bring to the attention of the Government how serious the problem is," said Mr Ndou

a 'wound in his chest'

Asbestos miners between a rock and a

By LINDA DANIELS

South Africa's remaining asbestos mineworkers have an agonising choice – unemployment or the risk of death. But they could soon be paid compensation from a national fund. Asbestos mineworkers say they have not had much choice but to risk their health to feed their families. But their lot could be alleviated by the report on the findings of the national asbestos summit last year, which was handed to the parliamentary portfolio

committee on environmental affairs and tourism this week.

Among recommendations is that a national fund be set up within six months for compensation and legal aid for victims of asbestosis, a fatal lung disease that affects asbestos workers.

But this means nothing to asbestos mineworker Aron Sibande of Mpumalanga.

He says he has no choice but to continue working. He has been employed by the Msauli mine in Mpumalanga for the past 28 years.

Every two months he pays R50 at a hospital for medication to help "take away the pain that feels like a wound in my chest"

He was diagnosed with asbestosis in 1995 and says he did not know of the dangers of asbestos mining before then

"No one told me I knew only after I went to see the doctor," he said

Sibande has 14 children and is the breadwinner of the family. He said there were not many options open to him

if he decided to stop working.

"If I don't work there's no food on the table for my family. I need help. If I stop working here, no one will feed my family."

He said he was sick and uneducated and could not find other work

Many of his colleagues had asbestosis, and while many new employees at the mine know of the health risk, they too have no alternative means of earning a living.

Sibande said miners were recently given pamphlets

about the dangers of working at the mine and the high risk of contracting asbestosis.

Jerry Ndou, chairperson of the parliamentary sub-committee dealing with the issue, said compensation for asbestosis would benefit workers such as Sibande. Compensation recommended in the report included medical cover.

"I hope we'll be able to do something for these people who are suffering. We hope to bring to the government's attention just how serious the problem is," said Ndou

hard place
Mrs Mm 20/10/99
(131)
(131)

NUM furious over nuclear safety Bills

By Malcolm Ray

THE National Union of Mineworkers has rejected the proposed passage of two draft Bills concerned with the regulation of nuclear safety and the environment

Num, supported by the Chemical Workers Industrial Union, demanded the return of the bills yesterday pending a thorough process of discussion and debate"

In his submission to the portfolio committee on minerals and energy in Cape Town NUM general secretary Mr Gwede Mantashe criticised the Department of Minerals and Energy Affairs and employers for the 'arrogance with which the two pieces of legislation have been bulldozed without taking labour's views into account'

The National Nuclear Regulator Bill and the Nuclear Energy Bill were first mooted by the Government for

legislation early last year and are expected to be passed during this session of Parliament

Their objective is to create a regulatory framework for the management of nuclear waste and radioactive hazards at nuclear power facilities and processing plants

Highlighting his union's main concerns, Mantashe said it was unfortunate that a 'veil of secrecy continued to surround nuclear energy in South Africa

He said the consultation process on the bills excluded the unions and communities 'who are directly exposed to radiation hazards in underground stopes, processing plants and residential areas of mining towns throughout the country'

'We are also reasonably worried about the exclusion of the mining industry from the ambit of the Nuclear Regulator,' he said

The industry's removal was on grounds of the "limited impact of radioactive emissions", a clause that has been a bone of contention for NUM

Citing shocking health and safety statistics on the mines, Mantashe said about 1 000 workers at the Harmony gold mine on the Reef were exposed to levels of radiation exceeding the international dose limit

Exceeding the limit

At least 10 000 mineworkers are exposed to potential annual doses of radiation exceeding the limit

'It's ironic that, under a democratic government committed to transparency and accountability, this veil of secrecy is sustained by the department of minerals and energy,' he said

He added that the 'limited consultative process in Nedlac last year' did not augur well for cooperative govern-

menting "in the industry"

He asked all stakeholders to "comply with the Constitution and Open Democracy Bill", both of which encouraged the disclosure of information

Another concern raised by NUM was a provision in the Bills directed at weakening the role of the Council for Nuclear Safety and lowering the nuclear radiation monitoring standard"

In terms of the proposed legislation,

responsibility for waste management and radiation hazards will be transferred from the Government to employers, a provision that could undermine the independence of the Nuclear Regulator

'The emphasis has not been on improving health and safety of workers and the public but to reduce costs for the Chamber of Mines. Cost-cutting can never be the primary purpose for

developing a regulatory framework," Mantashe said

Although he did not elaborate, it is believed the legislation allowed employers too much room to reduce standards of radiation protection and regulation on the mines

We are concerned that the contents of these Bills have been determined by the Chamber of Mines, Eskom and the department to the exclusion of other interests,' he said

In so doing, he said both the Government and employers have 'flouted' the Mine Health and Safety Act which established an inspectorate within the department of minerals and energy to ensure that mining activity complied with the Act's health and safety provisions

He called instead for an independent Nuclear Regulator to retain responsibility for setting and maintaining safety standards

Southern 24/2/99 (131)

UK court demolishes double standards

ET (MR) 4/3/99

(131)

RONNIE MORRIS

The multimillion rand lawsuits brought in the London High Court against British firms by South African victims of asbestosis should deter companies from adopting double standards in developing countries

The apparent inability to hold transnational companies legally responsible for injuries caused by their overseas operations has allowed the exploitation of less stringent laws in developing countries, where companies used "double standards", said Richard Meeran, a partner of the London law firm Leigh, Day and Co, which acts for many of the victims

Last week compensation claims were lodged against UK-based multinational T&N and Federal Mogul Friction Products in the London High Court on behalf of two South African and two Indian asbestosis victims

The South Africans work at Prospecton, an asbestos processing plant in Durban which makes friction products such as brake and clutch parts for the motor trade.

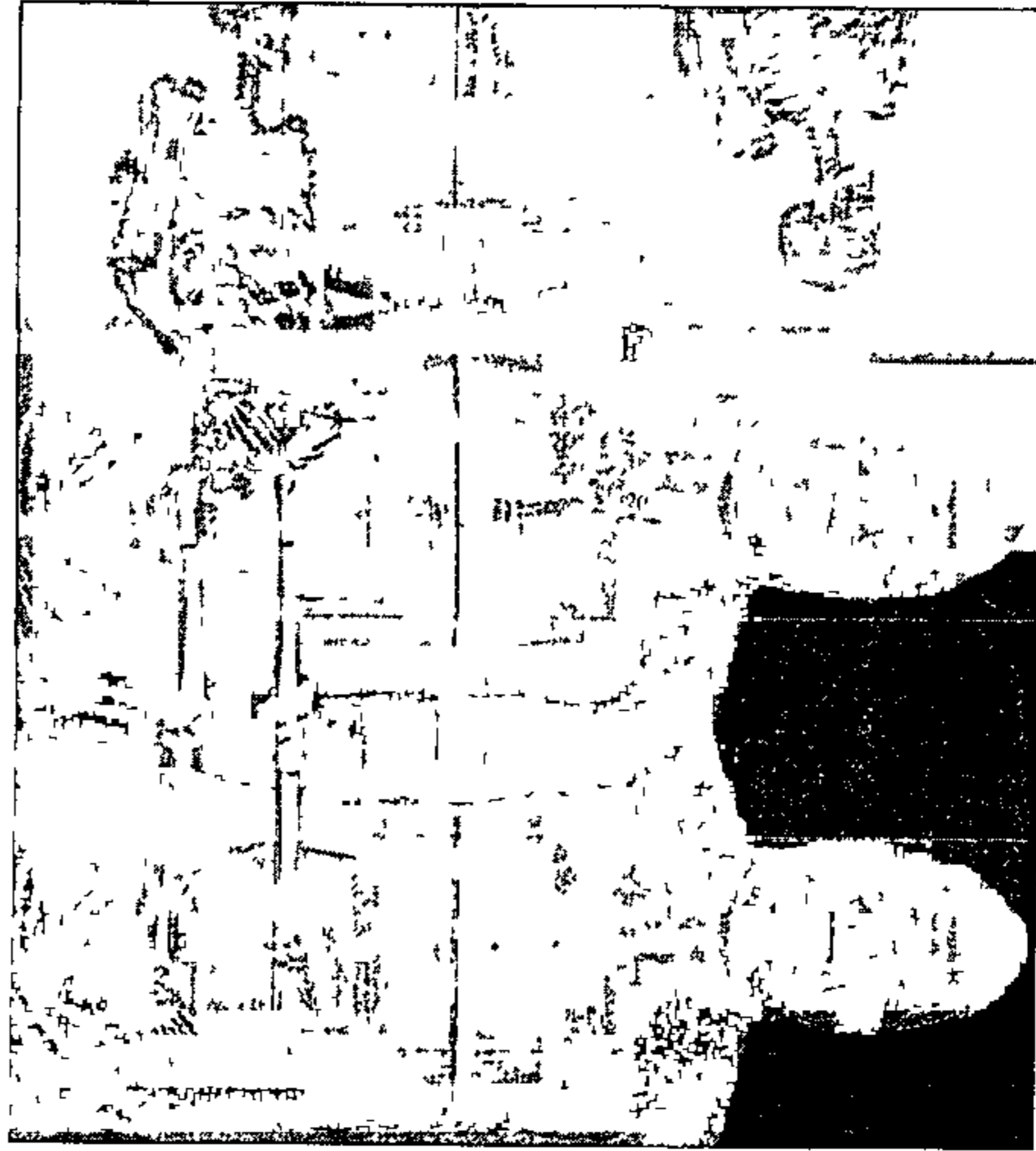
Their case is based on the negligent design of hazardous technology in England and its export to South Africa.

The compensation action followed claims lodged in the London High Court by almost 2,000 South African asbestosis victims against Cape, the UK-based multinational

This action came a month after a House of Lords ruling which allowed South African asbestosis victims to sue British companies in British courts

Meeran said "South African victims have an opportunity of obtaining justice against this company which so cynically exploited their country and its workers"

Handrik Ismael Afrika and 1,912 others claimed they had suffered personal injuries or damages as a result of



Cape's negligence or breach of duty in supervising, controlling, extracting, producing, processing or distributing asbestos and related products

The solicitors argued that Cape was aware of the dangers of asbestos from 1931, when Britain's asbestos regulations were introduced to reduce exposure. Graphs produced by Cape showed that workers at Penge, in the Northern Province asbestos belt, were exposed to levels of asbestos fibre 12 to 35 times higher than British limits

Medical researchers found that 80 percent of Penge's black miners who died between 1959 and 1964 had asbestosis. The average age of victims was 43

Cape has never fought a liability case on its home ground in Britain. It was once the world's largest asbestos company and a strong player

in the South African industry from the turn of the century. It owned huge asbestos mines and mills in the Northern Cape and Northern Province and had production facilities in Benoni, as well as in Italy and England.

Cape operated a mill for 34 years in Preska, Northern Cape, where 13 percent of worker deaths were attributed to mesothelioma, a very painful asbestos-related cancer. Asbestos levels in this mill in 1948 were almost 30 times that of the maximum UK limit.

After the Western world woke up to the dangers of asbestos, this market dried up. Cape sold out in 1979, leaving thousands of asbestosis victims penniless and uninsured.

Contaminated abandoned mines and asbestos dumps are being rehabilitated by the South African government due to the health hazards they pose

The claimants said multinational companies which undertook hazardous operations overseas in breach of known health, safety and environmental standards should be held legally responsible for any resultant injuries

They wanted the London High Court to determine whether an English parent company owed a "duty of care" to those injured as a result of its overseas operations

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

The Court of Appeal, reversing the decision, ruled that the claimants, two of whom have since died, could sue the company in England. The House of Lords refused the company leave to appeal that ruling.

The claim followed a successful action brought by Leigh, Day on behalf of 20 Thor Chemicals workers in Natal who were poisoned by mercury and cancer victims from Rio Tinto's Rossing uranium mine in Namibia.

The Thor case was settled in April 1997 for R10 million. A further 21 Thor workers won the right to sue in the UK in July last year. On February 3 the Court of Appeal dismissed with costs an application by Thor for leave to appeal against the July ruling.

Meeran said that after the Thor judgment he was approached by lawyers for British multinationals who said they had second thoughts about investing in South Africa.

"I told them if their clients were responsible companies they had nothing to worry about."

"However, if they went to South Africa to take advantage of the lower safety standards and the lower labour costs, there was a real prospect they could be held accountable."

Lobby may choke asbestosis victims' case

SPECIAL CORRESPONDENT

DAMAGES actions brought in the London High Court by almost 1 700 South African victims of asbestosis could be at risk if the British government bows to pressure and amends legislation permitting this

The South Africans are suing Cape Plc, once the world's largest asbestos mining company, with the help of funding by British legal aid

But lobbying firm GJW Government Relations Ltd and Charles Lewington, a media adviser to former prime minister John Major, have now launched a campaign to pressure the Lord Chancellor Lord Irvine to amend the law to prevent the cases from being brought in the UK.

In a document entitled "A political and communications audit for Cape Plc", GJW said the court cases

could damage trade relations between the two countries. Furthermore, it said, the Foreign and Commonwealth Office was concerned that the decision to pursue the case in the UK rather than South Africa would be seen as displaying a lack of faith in the South African legal system.

However, in a letter to Leigh Day and Co, the London solicitors for the claimants, Minister of Trade and Industry Alec Erwin gave permission for the enforcement of British High Court judgment, orders, directions and letters of request against Cape Plc in South Africa

Similarly Minister of Mineral and Energy Affairs Penuel Maduna pledged his full support to the claimants and consented to South African mine inspectors giving evidence and making relevant documents available at a trial in the London High Court.

In documents, the lobbying firm said the British Department of Trade and Industries admitted they would not want multi-nationals 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

In a memorandum dated January 25, Lewington sets out how sections of the British press hostile to the perceived misuse of legal aid could be used in the campaign

"That a Labour Lord Chancellor should be promoting legislation to curb legal aid with only a few murmurs of dissent from the backbenches is largely due to continuing pressure from the *(Daily) Mail*"

"The wider political implications of granting legal aid to even a

handful of non-British claimants will be immediately apparent to a paper like the *Mail*

"The political ironies are so delirious for a paper like the *Mail* (a Labour Lord Chancellor having to choose between black workers and multi-nationals) that the detail of the claims are likely to be of secondary interest"

"Cape Plc cannot avoid being mentioned in any story but the taxpayers and the politics will be the headline issues rather than any alleged lack of safety procedures in a Transvaal mine 30 years ago."

Lewington ends his memorandum by saying it was an issue of strong public interest and sufficient newsworthiness to give Cape Plc a good chance of turning the spotlight away from the responsibilities of multi-nationals to their former Third World employees to the issue of whether the British taxpayer should fund such actions

Cape Plc owned huge asbestos mines and mills in the Northern Cape (Prieska and Koegas) and Northern Province (then Lebowa). It had amosite (Brown) asbestos mines at Pomfret in the North West and Penge in the Northern Province

Cape Plc disinvested from South Africa in 1979, leaving thousands of asbestosis victims penniless and uninsured

The claimants say that multi-national companies, such as Cape Plc, which undertake hazardous operations overseas in breach of known health, safety and environmental standards should be held legally responsible for any injuries that result

The claimants want the London High Court to decide whether an English parent company owes a "duty of care" to those injured as a result of their overseas operations

See Business Report

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

New hurdle for asbestosis cases

ET (MA) 23/3/99 (121)

RONNIE MORRIS

Cape Town — A campaign has been launched in Britain to persuade 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 relations 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 display-

ing 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 workplace injuries each year and 160-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

BD 12/11/99 (131)
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

State: M... Controve... Substance... Health... and Health

Asbestos takes a horrifying toll

Victim says he was never told about the hazards

APR 24/99

Mr. Kleyrhons is close to tears as she looks down at the man she has loved and lived with for the past 50 years. Stephanus Kleyrhons (70) is dying - a victim of the silent killer which stalked him in the job he did for 25 years.

Lying slumped in his hospital bed, Stephanus looks fragile, with delicate veins showing through his near transparent skin.

Ann brushes his wispy hair from his forehead and looks at him tenderly, occasionally wiping away his tears.

Ann says, "I wish the good Lord would take him away quietly, and soon. I can't stand seeing my husband of 50 years unable to walk and in such agony."

Lucky

She adds "We are lucky that he is benefiting from the old laws that provided better pensions for whites. But there must be thousands who are probably dying in the rural areas, where they receive no help and attention."

Stephanus, who has been on oxygen for the past 45 days, is dying of asbestosis, a direct result, he believes, of working closely with asbestos for a good part of his working life.

But, unlike many thousands of South Africans who worked in asbestos mines, or who lived close to them, Stephanus was merely a

worker who installed asbestos ceiling and partitions. He may be going, but he won't be going quietly.

He is suing Everite Limited - the company that made the asbestos product which allegedly caused his condition - for R2 million in a product liability case which is a first in South African law.

A number of South African former asbestos miners and people who contracted asbestos-related diseases from living close to mining operations are currently suing the British company, Cape plc for millions of Rands.

Stephanus saw TV reports on those cases and decided he would seek justice from the South African company whose products are allegedly killing him.

"It was only then that I became aware of the seriousness of my plight. I contacted a lawyer when I realised the arrogance of the industry and decided to sue them as an example for those who may be lucky enough to prolong their lives through proper medication and enjoy the compensation that they will get," Stephanus says.

"Everite had no right to withhold information from us about the dangers of asbestos."

Ann adds that all the asbestos products Stephanus handled and worked with came from Everite.

"Everite never gave us any protective clothing, masks or equipment to handle asbestos," claims Stephanus.



ANGRY Ann Kleyrhons with her husband Stephanus, who suffers from asbestosis - caused, he believes, from years of working with the substance without protective clothing or gloves. Photographs: CHRIS ADIAM

He adds, "It was a terrible day for me when the doctor told me that I had a terminal disease. Now I'm

going to die and leave my wife, my children and grandchildren because of them." He starts crying, wheezing as he does so. The effects of this dreadful disease are debilitating. His muscles

are wasting away, he has constant chest pain, coughs up sputum, battles with sleeplessness, and is breathless and nearly immobile. His skin has turned pale yellow.

The disease has already cost Stephanus and Ann about R58 000 in hospital fees. And he has just learnt that the Legal Aid Board has approved his application for assistance after first turning him down.

There are hundreds like Stephanus all over the country and their deaths are slow and painful. If this lawsuit succeeds it will set a major precedent in South African law, and will force makers of potentially dangerous products to inform both the public and workers about the use and handling of their products.

Attorney Richard Spoor, a partner at Nhulu, Noble and Spoor - who specialise in occupational health - says, "Everite have been aware since the 1960s that their asbestos and cement products were dangerous and posed a serious hazard to people, and they failed to adequately inform the public about those dangers."

This is the first time a South African asbestos manufacturer has been brought to the High Court says Spoor.

"The family of our client hopes this action will bring about parameters on product liability laws and benefit all consumers. As it is, no studies have been done to ascertain the extent of the problem in society and its effect on public health," he adds.

Since 1987, the industry has been legally required to put warning labels on its products, but Spoor points out that many South Africans can't speak English - the language in which the warnings are usually printed.

"Who is there to ensure that those warnings are being heeded today?" The industry is stealing people's lives. It gets them at their peak, abuses them for 20 years and leaves them to suffer for the next 20 years - unemployed, poverty stricken and sick - and all have to depend on the rural community to support them."

Peace
Spoor and his associates are appealing to current and former workers in the asbestos industry as well as people living in areas close to asbestos mines and factories, to come forward and take action.

Perhaps they, and Stephanus, will have some peace in their suffering. "I never thought I would reach my twilight years looking like this," says Stephanus. "We never had any money, and I always looked forward to tending my neglected garden before I met my Maker."

"The other day, my *pretikant* (pastor) asked me if I was ready to meet the Almighty, and I said yes." He gasps for air.

As I turn to leave the hospital, I say almost automatically, "See you later."

"I don't think so," he says.

Thousands more at risk from slow, ultimately painful killer

Dying man sues for R2-m over asbestos

(121) Star 24/4/99
BY SHALO MBATHA



WAITING FOR THE END Stephanus Kleynhans (70), a former building worker

Legal history was made in South Africa yesterday when a dying pensioner sued Everite Limited, a major asbestos products manufacturer, for R2-million for irreversibly damaging his health.

But hundreds of thousands more South Africans who are living or working in buildings with asbestos roofs or ceilings could also die the same lingering painful death decades from now. Among these high-risk buildings are some schools and clinics. A school in Soweto has been closed because of the dangers posed by the decomposing asbestos in its walls and roof.

Also at risk are those working with asbestos-related products, which are still commonly used in the construction industry.

Microscopic fibres

Stephanus Kleynhans (70), a construction worker who installed asbestos cement ceilings and partitions for 25 years, has contracted asbestosis - a killer lung disease from inhaling deadly microscopic asbestos fibres that can take up to 20 years to kill.

He has been on oxygen in hospital for the past 45 days and he and his wife Ann don't expect him to live much longer.

Ann Kleynhans said: "I wish the good Lord would take him away quietly and soon. I can't stand seeing him unable to walk and in such agony." Their medical bills have already exceeded their medical aid limit by about R58 000.

Kleynhans's lawyer, Richard Spoor - of attorneys Ntuli, Noble and Spoor - said the "product liability" suit claims that Everite has, since the 1960s, been aware of the hazardous nature of its products, which posed a serious danger to people in the construction industry

■ To Page 2

P.T.D

Asbestos: dying pensioner sues company for R2-million

■ From Page 1

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 53 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 Everite'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".

Everite 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 Sophia Kisting writes in the latest edition of *Indicator SA* that the following groups of people are vulnerable to asbestos dangers

- communities living near asbestos tailings dumps,
- workers in industries still making asbestos products (car clutches and brake pads in many cases),
- workers using asbestos end-products (construction, demolition and waste disposal), or using asbestos-cement products for low-cost housing,
- people in houses, schools and buildings where asbestos is crumbling,

- people exposed to heaters, pot-plant holders and other asbestos-containing products in homes,
- communities and workers along asbestos transport routes

Last year, the 50-year-old Phuthi 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 "maboya" - asbestos fibres - which was causing their health problems.

■ Horrifying toll of asbestos - See Page 6

Star 24/4/99

Controversial substance defended

'Asbestos poses little or no risk'

BY SHALO MBATHA

Asbestos products manufactured by Everite says people who live in houses, schools or other buildings where high density asbestos-cement products have been used are at "little or no risk" with regards their health.

The company, which is being sued for R2 million by a man who claims he contracted the fatal lung disease asbestosis from working with Everite's products for 25 years, said in a statement that "numerous local and international studies demonstrate that asbestos-cement building materials do not add measurably to background levels of asbestos in the general air."

Everite started manufacturing high-density asbestos-cement building products in 1942. These products contain about 10% asbestos firmly bound in a cement matrix.

"Numerous legal and other experts have assured the company that its occupational health and safety programmes comply with the state of the art of knowledge and experience and that its products are safe for end-users. The company works closely with labour and outside experts to ensure that its programmes are appropriate and properly implemented."

The *Saturday Star* reported last week that a former artisan, Stephanus Kleyrhans, launched the suit against Everite claiming that the company was aware of the dangers inherent in its products but did not do enough to warn the public. Kleyrhans (70) is in hospital on oxygen supply and has been given only a limited time to live.

Everite's statement said it felt sympathy for Kleyrhans and all other victims of asbestos related diseases for their pain and suffering.

The company added that "current cases of asbestos related disease were

caused by inhalation of high levels of respirable asbestos fibres in the past. The most likely causes of excessive exposure were mining of asbestos, manufacture of asbestos-containing materials, and exposure to low-density asbestos insulation or lagging in factories and buildings."

Everite said it had taken a number of steps in response to the asbestos issue, including:

■ A voluntary disability pension plan for its workers was introduced almost 20 years ago. The company supplemented payments made by the workmen's compensation commissioner to ensure that affected workers suffer no loss of income.

■ In the mid-80s Everite stopped using amphibole asbestos (blue and brown) when it became clear that chrysotile asbestos (white) fibres were less hazardous.



ASBESTOSIS SUFFERER: Stephanus Kleyrhans is hospitalised and on oxygen supply.

new products were currently undergoing field trials. Roofing sheets on the athletes' village currently under construction for the All Africa Games were made without asbestos.

■ The company participates in the working group appointed in June last year by the environmental portfolio committee of Parliament to convene the National Asbestos Summit, which was held in November last year.

Everite said people who were worried should contact Brian Gibson, the company's adviser on the asbestos and health issue, on (011) 539-1510.

Alone, he lives on oxygen and borrowed time

BY SHALO MBATHA

For 24 hours a day, Hermannus Scheepers is hooked up to an oxygen tank via a long, winding pipe that is attached to his nose. He spends his day wheezing and coughing out sputum into a container.

The 80-year-old pensioner worked as a labourer at an Everite asbestos plant for 29 years. "I used to be fit. I never saw the inside of a hospital until I started feeling weak and started coughing and couldn't sleep well at night. My doctor booked me into a clinic, where they took many tests. I still remember the look in the doctor's eyes when he asked me if I had someone to look after me at home."

"When I said 'yes', he continued: 'I'm afraid nothing in the world can help you recover. You just have to go home and lie still because you're going to be on oxygen permanently.'"

Scheepers breathes long and hard to catch his breath. I suggest that we stop the interview, but he insists I stay. He continues with misty eyes. "I am broke, I can't make ends meet. It costs me R3 000 a year for my oxygen, and my medical aid pays only R4 000 for the year. My medical bills are R1 200 a month and I get R400 a month from Everite and my pension is R2 400 a month. How am I supposed to survive, or live out what is left of my miserable and painful life?" He wheezes again. "I have no one to help me out. My wife died four years ago. I have my family coming in to help out whenever they can, but they have their lives to live as well." He starts coughing.



Scheepers has contacted lawyers acting for Stephanus Kleyrhans, who is suing Everite for R2 million for the alleged damage to his health caused by the company's products. Kleyrhans is also on oxygen, but is in hospital and has been given only a short time to live. Scheepers is hoping he will also be able to get more compensation from Everite.

He adds that his wife had breast cancer, and that's what the family thought she had died of.

"But in her autopsy they found that her lungs also had asbestosis. She died not knowing that we were both going to die of the same disease eventually..." He doesn't finish his sentence.

Scheepers reclines in his chair, falls silent and closes his eyes. Slowly he opens them and continues as though nothing has happened. He says he did not know how dangerous asbestos was until he got sick.

He started working at Everite in 1955 and only three or four of his workmates have survived, the rest having died of asbestosis.

"All I pray for now is to get financial relief, because I worry so much. What will happen if my oxygen runs out and I have no money to replenish it? Does it mean it's curtains for me?"



HEAVILY BURDENED: Hermannus Scheepers is totally dependent on the life-giving tube from an oxygen tank to his permanent, breathing apparatus. He worries constantly about his huge medical bills and how to pay for his life support system. Photograph: JOHN ROBINSON

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 Ismael 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, Penuell 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 asbestosis 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

(131)
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

BD 24/5/99

Five workers burned in factory explosion

CHANTEL ERFORT
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 N1 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

ARG 4/6/99 (131)

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.

N1 City Hospital matron, Annatjie Bax 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 Bax.

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

SA asbestosis case claimants escalate to 2 000

RONNIE MORRIS
ET (PR) 5/7/99 (191)

court were not aware that the larger group intended to sue. 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 goes into recess on July 21 and could affect the damages claims of a further 1 000 claimants who have not yet issued summonses.

Hendrik ismael Afrika and Cape Town - Cape plc, defending a multimillion pound lawsuit for damages from South African victims of asbestosis will today seek a stay of proceedings in the London High Court on the grounds that the number of claimants had grown from five to 2 000.

Cape, once the largest asbestosis mining company in the world, will argue that it and the

other claimants allege they suffered personal injuries or damages as a result of Cape's negligence or breach of duty in supervising, controlling, extracting, producing, processing or distributing asbestos and related products.

The company operated asbestosis mines in the Northern Cape (Prieska and Koesgas), Pomfret in the North West, Penge in the Northern Province and at factories or plants in Benoni.

In 1997 five South African asbestosis victims successfully sued Cape in the London High Court. The company appealed against the decision, and in January last year the court granted Cape a stay of proceedings on the grounds that the case could be heard in South Africa.

The appeal court, however, reversed that decision and ruled that the five - two of whom have subsequently died - could sue the company in England. The House of Lords subsequently refused the company leave to appeal against the appeal court ruling.

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

Medical evidence before the London High Court is that in Prieska, where Cape operated a mill for 34 years, 13% of deaths were attributed to mesothelioma. Asbestos levels at the mill were recorded in 1948 as almost 30 times higher than the maximum permissible UK limit.

In asking for a stay of proceedings, Cape's lawyers will argue today that from an original five applicants, the group of claimants has grown to 2 000.

In January last year the London High Court granted Cape plc 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 - two of whom have died - could sue Cape in England. A House of Lords refusal to grant Cape leave to appeal cleared the way for an initial 1 700 South African victims to sue the company in the London High Court.

Cape plc will argue that when the Court of Appeal made its ruling, it was not aware that a far larger number of claimants would sue and its decision should therefore be reviewed.

The hearing has been set aside for five days. Eminent South African advocates Peter Hodes, SC, and Gilbert Marcus, SC, for Cape plc, and Jeremy Gauntlett, SC, Wim Trengove, SC, and George Bizos, SC, for asbestosis victims, will be used by both sides as experts on aspects of South African law.

Issues on which they will be called to give opinions include the availability of funding to sue Cape in South African courts, whether damages claims can be brought on behalf of a deceased's estate and whether mechanisms in South Africa exist to bring class actions.

Trade and Industry Minister Alec Erwin has given permission for the enforcement of the British judgment in South Africa. Similarly, Penuell Maduna, the former minister of mineral and energy affairs, has pledged his support to the claimants and consented to South African mine inspectors giving evidence and making documents available for the trial.

● See Business Report

Bid to delay asbestosis case

RONALD MORRIS
ET (PR) 5/7/99 (191)

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

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

Cape plc owned asbestos plants or mills in the Northern Cape, the Northern Province, North West Province and Gauteng. It disinvested from South Africa in 1979, leaving thousands of asbestosis victims penniless and uninsured.

Cape plc is defending a damages action brought by Hendrik Afrika and 7 000 workers who are being funded by a British legal aid agency. About 400 former Cape plc workers have died and family members have brought the action on behalf of their estates.

Afrika and his co-claimants contend that Cape plc was fully aware of the dangers of asbestos

not properly planned and involved workers in health and safety issues.

"Numsa believes the company does not have an effective occupational safety and health programme including management commitment and worker involvement, work site analysis, hazard prevention and control, and safety and health training."

"We have lost three workers earlier this year because of poor health planning. Numsa regrets the incident and feels sorry for the victims and their families. This is an area in which the company has lagged behind. The company must be held accountable because it failed to take remedial measures regarding the prevention of the explosion."

Samancor said it was investigating the incident and would not comment until the in

quary was completed in two to three months' time.

But a company spokesman was adamant that the two workers were not killed by an explosion but by "smolten slag that had spilled over the side of a ladle".

Numsa demanded the establishment of an independent commission to examine health and safety at Samancor with full union participation. The costs should be borne by the company.

The union also demanded the right to veto management in strictures requiring members to work in dangerous areas.

Numsa called on the government to set up procedures to prevent explosions in the metal engineering industry.

Dantjie said "Nothing is more important than the health and safety of every worker."

Union fury over furnace deaths

ET (PR) 5/7/99 (191)

LABOUR EDITOR

Johannesburg - The National Union of Metalworkers of South Africa (Numsa) accused Ferrochrome company management of "gross negligence" after two workers were killed at the week end at a furnace in Middelburg, Mpumalanga.

The accident took the death toll at the Samancor-owned plant to five this year.

Numsa said the incident showed the company was more concerned with chasing profits than protecting human lives. The same furnace exploded in February, the union said, "killing three workers and seriously injuring 100 others".

Peter Dantjie, the acting general secretary of Numsa, said the union believed the company had

from 1931 when Britain's asbestos regulations were introduced to reduce exposure.

The hearing has been set aside for five days. Eminent South African advocates Peter Hodes, SC, and Gilbert Marcus, SC, for Cape plc, and Jeremy Gauntlett, SC, Wim Trengove, SC, and George Bizos, SC, for asbestosis victims, will be used by both sides as experts on aspects of South African law.

Issues on which they will be called to give opinions include the availability of funding to sue Cape in South African courts, whether damages claims can be brought on behalf of a deceased's estate and whether mechanisms in South Africa exist to bring class actions.

Trade and Industry Minister Alec Erwin has given permission for the enforcement of the British judgment in South Africa. Similarly, Penuell Maduna, the former minister of mineral and energy affairs, has pledged his support to the claimants and consented to South African mine inspectors giving evidence and making documents available for the trial.

● See Business Report

SA asbestosis case claimants escalate to 2 000

(191) ET (PR) 5/7/99

the other claimants allege they suffered personal injuries or damages as a result of Cape's negligence or breach of duty in supervising, controlling, extracting, producing, processing or distributing asbestos and related products.

The company operated asbestosis mines in the Northern Cape (Prieska and Koesgas), Pomfret in the North West, Penge in the Northern Province and at factories or plants in Benoni.

In 1997 five South African asbestosis victims successfully sued Cape in the London High Court. The company appealed against the decision, and in January last year the court granted Cape a stay of proceedings on the grounds that the case could be heard in South Africa.

The appeal court, however, reversed that decision and ruled that the five - two of whom have subsequently died - could sue the company in England. The House of Lords subsequently refused the company leave to appeal against the appeal court ruling.

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

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Medical evidence before the London High Court is that in Prieska, where Cape operated a mill for 34 years, 13% of deaths were attributed to mesothelioma. Asbestos levels at the mill were recorded in 1948 as almost 30 times higher than the maximum permissible UK limit.

In asking for a stay of proceedings, Cape's lawyers will argue today that from an original five applicants, the group of claimants has grown to 2 000.

In January last year the London High Court granted Cape plc 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 - two of whom have died - could sue Cape in England. A House of Lords refusal to grant Cape leave to appeal cleared the way for an initial 1 700 South African victims to sue the company in the London High Court.

Cape plc will argue that when the Court of Appeal made its ruling, it was not aware that a far larger number of claimants would sue and its decision should therefore be reviewed.

The hearing has been set aside for five days. Eminent South African advocates Peter Hodes, SC, and Gilbert Marcus, SC, for Cape plc, and Jeremy Gauntlett, SC, Wim Trengove, SC, and George Bizos, SC, for asbestosis victims, will be used by both sides as experts on aspects of South African law.

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CT 6/7/99 (131) (212)
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 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 mesothelioma, 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 — Reuter

Samwu calls for dismissals after two manhole deaths

FRANK NXUMALO

LABOUR EDITOR

(131)
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 sul-

phide 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

(131) ARG 9/7/99

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 54, 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 Medical Clinic. They were to have surgery to clean their wounds.

Another 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



DEADLY DUMP: A worker at an asbestos dump in Lebowagoma wears a mask during an exercise to halt asbestos pollution

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 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

ET 20/7/99 (212) (131)
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

Asbestosis victims lose bid for UK suit

AT (BR) 2/8/99 (217) (131)

RONNIE MORRIS

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, amosite asbestos mines in the North West 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 2 000 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 this 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 Meeran, 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.

Meeran 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," Meeran 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

ET (BR) 4/8/99 (212) (131)

RONNIE MORRIS

Cape Town – The multimillion-rand damages action brought in the London High Court by South African victims of asbestosis 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 cases 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 1998 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 asbestosis victims

CT (BR) 24/8/99 (131) (212)
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 mesothelioma, a very painful asbestos-related cancer, are caused by unprotected workers breathing in minuscule 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 Prieska and Koegas, huge asbestos mines and mills in the Northern Cape and Northern Province, an amosite mine and asbestos mines in Pomfret 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.

'In Cape plc's case, asbestos operations were carried out despite laws from 1931'

'Economic realities' important in the asbestos debate

ET (M) 9/19/99 (2/2) (1/1) (5/6)

FROM SAPA

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 resolving 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 Msauli 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 these 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 R95 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,

Dube said "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.

planting indigenous plants and trees, and fencing the site to stop access



Judge pulls out of asbestosis appeal

CT (MR) 5/10/99 (212)
(131)

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 asbestosis victims who claim they have suffered personal injuries or damages as a result of Cape's negligence or breach of duty in supervising, controlling, extracting, producing, 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 disinvested from South Africa in 1979, leaving thousands

of asbestosis 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 asbestosis 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 comes in 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 equated to about R85bn for 1998.

It has been estimated elsewhere that between 30% and 40% of all sickness-related absence from work is 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 too. And now an international company, Independent Counselling and Advisory Service, has set up in SA to offer members a 24-hour telephonic 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 base as a classic example."

Yvonne Dladla 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 ef-

fect on productivity if ignored."

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

Tlhabi 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, a 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. Staff morale, motivation and productivity improved.

(131) BD 7/10/99

BLASTS ROCK CITY FACTORY

Seven rushed to hospital after gas explosion fireball hits Ndabeni plant
(131) - ARG 13/10/199



Out of the fire: rescue personnel rush an injured man to hospital after seven workers at an Ndabeni engineering firm - in the background - were badly burnt as they tried to put out a fire as gas cylinders exploded today

HELEN RAMFORD AND LYNETTE JONES
STAFF REPORTERS

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 Industrial 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 Mentoor of Metro Rescue said the accident scene had been cleared within 17 minutes.

Six of the injured were taken to City Park and NI City Hospital and the most seriously hurt worker was airlifted to Milnerton Medi-Clinic, where he is in stable condition.

Four of the patients are in a serious condition in City Park. Tania Stransma, Milnerton Medi-Clinic spokeswoman, said the man had suffered "extensive burns".

Marianna Dorman of NI City Hospital said one of the injured had been transferred to the hospital's intensive care unit, but his condition was stable.

The second patient had been treated and it was expected he would be discharged later today.

The owner of the company Josephine Elves 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.

"I was upstairs in the office when I heard the huge explosion. The lights went out."

She said if the explosion had been in the workshop, it could have been much worse. The storeroom was also damaged in the fire.

Hours later, firefighters were still hosing down unexploded cylinders, which had reached dangerously high temperatures.

Damage is estimated at R500 000 but this amount could be revised when final estimates are in.

Metro doctor Cleve Robertson said three of the workers were seriously burnt.

Simon Abrahams of Cape Town's fire department said the fire investigating team was on its way to the site this afternoon to determine how the explosion happened.

He said there were a variety of cylinders, containing oxygen, liquid petroleum gas acetylene, or what appeared to be argon.

Workers from neighbouring factories streamed to the scene of the accident.

Family members of the injured workers arrived shortly after the accident, many of them hysterical.

Katherine Olivier of Roth Medical, a factory close to Allweld, said she thought at first a bomb had gone off.

"Ambulances appeared almost instantly and shards of glass lay all over the show."

An overpowering smell of burnt flesh hung in the air soon after the explosions.

Disclose HIV



Helping staff deal with the pressures of life

ST(BT)17/10/99
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.

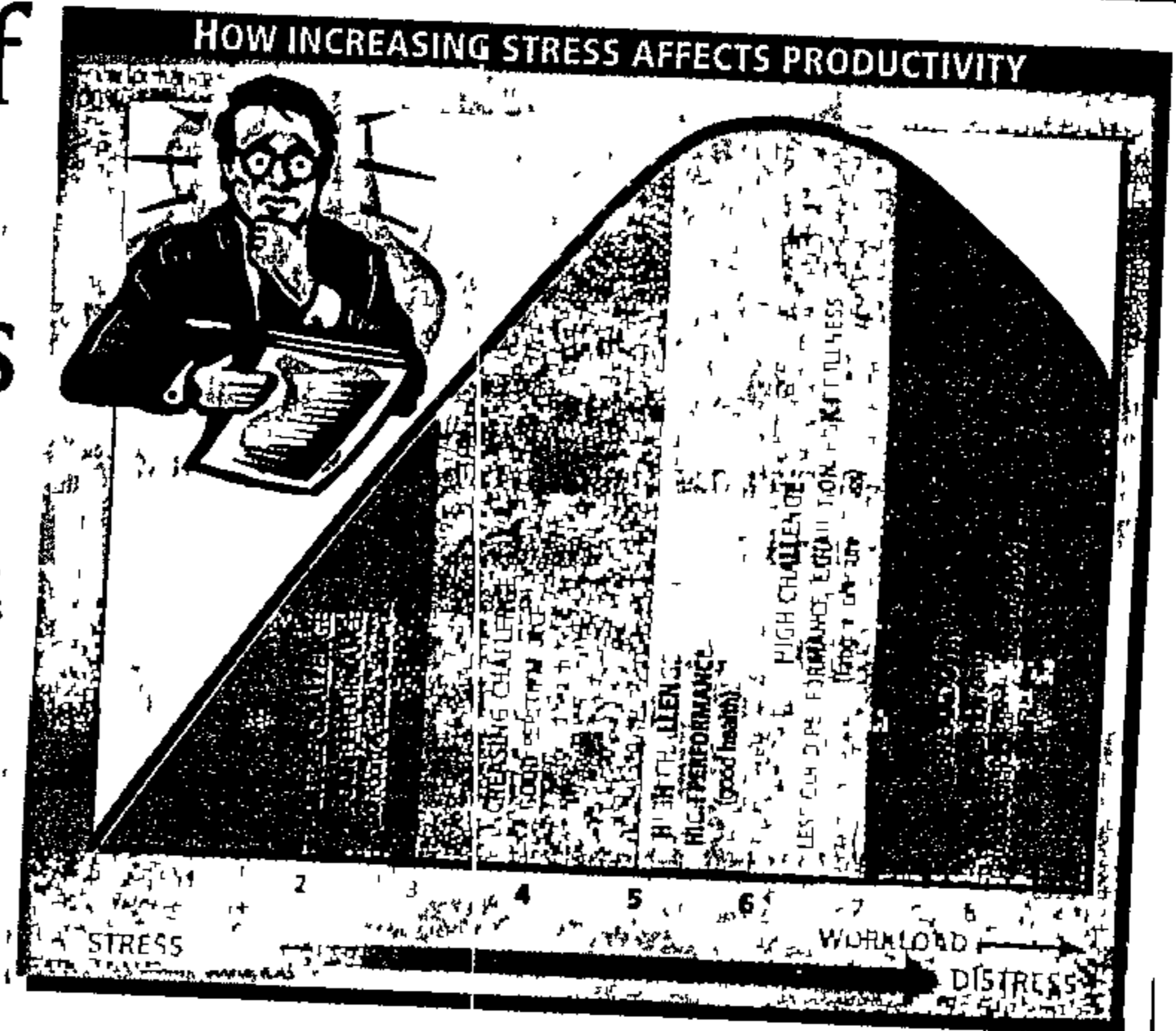
Instead of telling her not to bring her problems to work, her boss suggested she call the Independent Counselling and Advisory Services (ICAS). She received assistance from a psychologist who provided marriage counselling and from a debt adviser who helped her to better manage her debt. The change was dramatic. Susan felt 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 — like alcoholism, a family member with AIDS or depression — during working hours. Nor can they function well if they are

facing problems at work. Many companies recognise that employees function better if they are coping with challenges in their broader lives. The response has been to institute employee assistance programmes (EAPs). These are still regarded with some scepticism 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 SmithKline Beecham. In SA, they include Transmed and the Development Bank of Southern Africa.

ICAS provides EAPs which are systematic, business-focused programmes of intervention. They recognise 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 organisation's productivity. "Our main objective," says



ICAS SA managing director Pat Gamede, "is to help companies to grow through productive, healthy employees."

She says there has been a shift from internal programmes to outsourced EAPs, which assure independence and confidentiality and remove fears that help-seekers will be victimised or seen as weak. "Can you imagine a senior manager approaching a lower-graded human resources person for help with a personal problem?" There is also a healthy shift, she says, from perceptions that EAPs are "welfare" services to the realisation that they need to be part of a strategic plan. SA has consistently performed dismally in the World Competitiveness Report, coming in at 42nd out of 47 countries in the 1999 report. People is one of eight factors used to measure a country's compet-

itiveness capacity, and this year SA came in dead-last.

At ICAS's SA launch last month, National Productivity Institute executive director Dr Yvonne Dladla said SA had to work on a multi-pronged strategy to increase its capacity to become competitive. "It would appear institutions such as ICAS have a critical role to play as they seem to have figured out the truth — people are the critical link to the success or failure of an enterprise."

Properly implemented EAPs turn the lip-service that a company's best assets are its people into a reality. More than 90% of Fortune 500 companies use such programmes.

Estimates are 10% to 15% of a country's gross national product is lost due to stress-related absenteeism and staff turnover, and 30% to 40% of sickness absence from work is due to mental and emotional

disturbance. Davies points out all of us need stress to help us to function. The danger comes when stress reaches a level where it pushes an individual into ill health — distress.

And EAPs are cost-effective. Studies show that for every \$1 spent on an EAP, \$5 is saved through better productivity and lower health costs, absenteeism and staff turnover.

ICAS provides a toll-free number which employees can call (anonymously, if they wish) 24 hours a day, seven days a week. Call centre psychologists will intervene immediately in a trauma situation, but will refer callers to face-to-face intervention when required.

There is a clear need for EAPs in SA. "We are finding 30% of employees are making use of the programme," Davies says. "The international norm is 5% to 15%."

The dust is gone, but the effects linger on

(131) M+G 29/10-4/11/99

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 Rieb

Rieb (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 Rieb 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 R750 a month

"No one stood by Terry," says Rieb "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 Veoth of the South African Municipal Worker's Union (Samwu) 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 Rieb, 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, Siyazi and Easy, said they experience 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 of the respiratory clinic at Groote Schuur, "but he said I'm all right"

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

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.



SHOCK: Maria Hlongo holds her hands to her face moments after being told by officials that she and her children have most probably contracted asbestosis from the river which runs down past her Mafefe home in Northern Province. The river washes asbestos tailings down from a dump up-stream. Like her neighbours, she washes clothes in the river, and her children play in it. **PICTURES: GARTH STEAD, KIM LUDBROOK, THE STAR**