

TEBA NEWS

In this newsletter we reflect on the impact of USAID funding withdrawals on our efforts to reduce TB and HIV infections in mineworkers and sending communities. We furthermore look at the many different types of benefits (well known and not) available to mineworkers.

POST EMPLOYMENT HEALTH SERVICES AND THE IMPACT OF USAID FUNDING WITHDRAWALS

The industry relies on a number of mechanisms to ensure that mineworkers diagnosed with communicable diseases are identified and placed on treatment. One such mechanism is TEBA which assists with the monitoring of patients through its expanded Home-Based Care Programs by conducting home visits, ensuring referrals are done into public health facilities (to obtain medicine), ensuring treatment is adhered to, and that our customers receive regular reports to fulfil reporting obligations to the DMRE (Department of Mineral Resources and Energy) and MCSA (Minerals Council of South Africa). Apart from the focus on providing support, the programme also aims to return employees to work when possible.

Earlier this year, President Donald Trump signed an executive order which effectively suspends US government donor funding for HIV and TB treatment in Africa.

Whilst we are still monitoring the situation, we understand the ripple effect as follows:

- Non-profit organisations, funded through US-backed programmes, will be unable to contact trace and refer.
- TB and HIV meds may not be available in many sending regions. Since it is not tenable to keep individuals on the mine for the duration of their treatment, patients should be provided with the full course of treatment.
- Urban areas will be less severely impacted due to more complex supply chains in rural areas.
- Foreign countries, especially Lesotho and Mozambique, will struggle to fund medication from their fiscus. It is therefore likely that we will see shortages.
- Mines 164 and 165 reports could deteriorate as a result.
- The private sector is not prepared or indeed able to step in to fill the void in supplying these medications.

Mines are encouraged to;

- Provide all prescribed medicine to TB patients before they leave the mine.
- Make follow-ups with TB patients (not currently on the TEBA programme) to ensure they have treatment available.
- Providing the equivalent in cash, with a script, is not tenable.
- Ensure contractors cases are followed through as per those for mine employees.

MINEWORKER CLAIMS – “BE BENEFIT SAVVY”

There is a conservatively estimated R88 billion in unclaimed benefits within South Africa. A large proportion of these remain unclaimed simply because the rightful owners don't know that the benefit exists. This article is not about spotlighting this issue, as this has been done many times over in the media, this article is to help mining professionals understand what types of benefits employees may be entitled to. HR and payroll professionals may all find this useful.

Although we made some effort to display an accurate list, there may be other sources. All information is in the public domain.

Pension and Provident Funds

- Mine employees can access pension and provident fund benefits through the Mineworkers Provident Fund (MWPF), Impala Workers Provident Fund (IWPF), Anglo Group Provident Fund (AGPF), SENTINEL, Mines 1970, Masakhane, or a large array of umbrella funds managed by Old mutual, Momentum, Liberty, Alexander Forbes, etc. The employer will normally decide which fund is best after consulting with organised labour and other interested parties.
- Funds are either self-administered (MWPF, Sentinel, etc.) or administered by fund administration companies such as the ones mentioned above.
- Transfer and withdrawal processes are normally well understood, and a limited number of employees are exiting without being assisted.

Beneficiary Funds

- Most Funds have access to a beneficiary fund of some sort, including Fairheads, ABSA, etc. This fund allows for the benefit of minor dependents to be administered in a responsible manner by ensuring monthly income is paid to the caregiver and school expenses are taken care of.
- These funds normally undertake an annual verification of caregivers and beneficiaries. This assists funds to maintain contact, there are however, instances where beneficiaries fail to stay in contact and don't claim benefits as a result.
- Funds and employers (through their representatives appointed to fund boards) have a vested interest in ensuring that beneficiaries who do not claim benefits or have lost touch with the beneficiary fund are located and assisted. It is often these individuals who are the most vocal about a lack of post-employment services and the resulting public relations and employee relations challenges.

Occupational Injuries and Diseases (COIDA Act)

- The Compensation Fund, Rand Mutual Assurance (Mining and Metals) or Federated Mutual Insurance (Construction) all manage COIDA claims. The majority of mines and works are registered with the RMA, with a few exceptions for companies that operate in both mining and also construction or engineering etc. who may be with the FEM or CF.
- COID covers all injuries and diseases (with the exception of ODIMWA-covered diseases in mines) whilst a person is in the workplace
- The cover includes lump sum payments, pensions, medical expenses, transport care, etc. Awareness of benefits is typically a real challenge, which means that employers cover certain costs which should be covered by the respective funds. Injured individuals and families also miss out on benefits already paid for by the employer through charges.
- Cases are managed by the respective entity – RMA, FEM or CF

Occupational Diseases (ODIMWA Act)

- ODIMWA is unique in that it applies to the mining sector only. ODIMWA covers all mineworkers for occupational lung diseases such as TB, Silicosis, Pneumoconiosis, etc.
- The service is administered by the Medical Bureau of Occupational Diseases, which is an arm of the Department of Health.
- Claims are once-off lump sums based on the severity of the disease. Subsequent claims are based on the progression of the illness. Claims are made through the MBOD, mines, or with a limited number of service providers.
- TEBA assists some mines to trace and submit claims for those who are eligible for compensation.

Class Action Settlements

- There have been several class action settlements where claimants have won additional compensation over and above what the MBOD compensates for. These Trusts include the Tshiamiso Trust (gold miners after 1965), the Qhubeka Trust (a specific group of gold miners), the Asbestosis Relief Trust, etc.
- Claims are lump sum payments based on the severity of the disease. Claims are made through the Trusts and their service providers.
- TEBA offices provide lodgment services to the Tshiamiso Trust.

Long Service Awards

- The Chamber of Mines Long Service Award was set up to provide mineworkers, who worked prior to certain dates when pension and provident funds became widespread, with a benefit.
- Individuals over 55 with more than 120 months of service prior to the implementation of a pension/provident fund are covered. For Gold this means anyone before 1989, Impala 1994 and Lonmin 2019.
- Applications are made through TEBA on behalf of the industry.

Employee and Management Share Ownership Schemes (Esops)

- Many mining companies (including TEBA) created employee share ownership schemes as a way to incentivise staff and get buy-in, encourage positive labour relations and achieve real transformation as envisaged by B-BBEE.
- Some of these include the Thusano Trust (Sibanye and Goldfields), the DRD Employee Share Ownership Scheme, Toro Trust (Northam), LEM Trust (Lonmin), Siyaphambili Trust (Harmony), and many others.
- The schemes are generally administered by share registrars such as JSE Investor Services, Singular, Computershare, etc. Some may, however, be self-administered, and in some cases payroll departments (or the equivalent in name) are involved with claim payouts.
- Information on which share scheme is administered by which company is available through the employer or by simply conducting some internet research.

Unclaimed Wages

- Unclaimed wages, although less common with new payroll systems and exit processes, are still a challenge for some employers.
- Reconciling exits with balances owing normally affords the employer an opportunity to pay into the last known and validated bank account of an exited employee. Unclaimed amounts often become a risk to the employer.

Unemployment Insurance

- All employees are required to contribute to the unemployment insurance fund (UIF). The Fund supports employees on a temporary basis with an income when employment is disrupted.
- UIF is applicable to RSA employees and foreign nationals.
- Foreign nationals often find it difficult to claim as 1) immigration (travel) can be cumbersome, 2) the cost to travel to RSA is a challenge and 3) UIF does not pay into a foreign account.
- It is recommended that employees are assisted with a claim prior to leaving employment.

Dormant and unclaimed bank accounts

- The number of “Dormant Accounts” or unclaimed bank accounts within the industry is significant given 1) the migratory nature of a lot of employees, 2) the frequency with which accounts are changed and 3) individuals often retaining different bank accounts for transactional, savings and other services, etc.
- Balances in these accounts can also be prescribed by the bank (i.e., recognised as income). Banks are, however, obliged to keep a record of these accounts and pay out the balance should the owner (or estate) come forward.
- As a footnote – TEBA does not have any say over such accounts. Former Ubank (previously TEBA Bank) account holders should be referred to African Bank.

Road Accident Fund

- All road users, including drivers, passengers, pedestrians and cyclists, are covered under the Road Accident Fund. The fund furthermore covers the dependents of deceased victims in any of the above-mentioned categories. The cover includes foreign nationals injured (or killed) on South African roads.
- Compensation covers medical expenses, loss of income, and general damages for pain and suffering.

Insurance Claims

- The vast majority of South Africans have funeral cover with multiple entities, knowingly or not. Bank accounts, cellphone services, clothing accounts, and pension funds are all examples of services that could have some embedded funeral insurance. Many of these policies go unclaimed and are ultimately prescribed by the insurer. Holders of these policies need to ensure that they make their families aware of the policies to ensure they are claimed.
- Other insurance types include Death and Disability, Critical Illness, and other policies which can go unclaimed.
- Unclaimed insurance payouts are set to become the next most topical issue in the unclaimed benefit space.

Conclusion

- Mines Payroll, HR and Health teams need to cooperate closely to ensure every exit has claimed all their benefits.
- TEBA field offices are readily available to support with the admin required to settle some of these claims.
- A checklist as part of the exit pack is a useful tool. An entry checklist is also important to ensure incoming employees are made aware to claim, or transfer where applicable, benefits.

- It is also recommended that communication is sent to employees regularly outlining the types of benefits they qualify for – we are happy to collaborate with our customers on this.
- Unifying communication across different benefit types, as we have done above, limits confusion. It also demonstrates a tangible commitment on behalf of the employer to employees wellbeing.
- Being proactive in this regard manages stakeholder risk down the line.

CONVERSION TO CORPORATE VISA

TEBA has been completely inundated with requests to convert the now redundant open-ended Corporate Work Permits to a Corporate Visa.

Due to bottlenecks at the Department of Home Affairs, the process is taking between 3 and 4 months to be completed. We advise patience in this regard.

Some conversion requests have also been declined, but the appeals process seems to be working.

We are aware of a few companies who have not applied and urge you to use this opportunity to do so. We are on standby to assist. You also have the option to apply on your own or through a labour lawyer that is familiar with the process. Please ensure that all information submitted is accurate, as the DHA is verifying information.

UPDATE ON THE TEMPORARY RESIDENCE PERMIT

TEBA, the Department of Home Affairs, Border Management Authorities and the Minerals Council of South Africa continue to engage in a new process to manage the Temporary Residence Permits for foreign nationals working in South Africa under a Corporate Visa.

A new process is ready to be tabled to the joint working group in mid-April.

We will provide further communication in due course.

TEBA SOCIAL MEDIA

We thank the thousands of mining professionals who have already joined us on social media. These platforms, especially LinkedIn, help us to disseminate information which is relevant to the entire mining sector quickly and efficiently. Please follow us.

You are also welcome to suggest any topics you may want covered in future social media posts, newsletter articles or webinars by leaving comments on social media or mailing our Growth and Innovation team at Sales@teba.co.za.



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