



## DMR's move to reduce dust levels in gold mines will slash incidence of silicosis – lawyer

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Mine health and safety specialist law firm Brink Cohen Le Roux reports that efforts by the Department of Mineral Resources (DMR) to reduce dust levels in gold mines to 0,1mg/mm<sup>2</sup> will go a long way towards reducing the rising silicosis problem prevalent in South Africa.

Brink Cohen Le Roux director **Willem le Roux** says it is commendable that the DMR is at least acknowledging that there is a problem in the industry.

When pressed about the DMR's aim in its drive to reduce dust levels, Le Roux reports that there are, as yet, no international standards that can be referenced, as previously reported by London-based specialist personal injury solicitors Leigh Day & Co partner Richard Meeran in Mining Weekly in April.

"There is a dust level reduction target in the US and a different one in Europe, and a different one in China. So, while there are a number of reduction targets worldwide, there is no accepted norm. What is important about the reduction targets set by the DMR is that these are realistic. One cannot set a target of 0,025 mg/mm<sup>2</sup> and then not be able to achieve it," says Le Roux.

Reflecting on the prevalence of the problem, Le Roux indicates that, in 2009, there were more than 1 694 new cases of silicosis and related illnesses. This is ten times more than the number of cases reported in 2008.

Le Roux also points out that it is not easy to take companies to court to get compensation for occupational diseases, such as silicosis.

He says that, for an employee to sue for compensation, the employee has to prove negligence on the part of the company. This means that the employee needs to prove that the conduct of the company fell short of reasonable conduct expected of a company in the same circumstances. In other words, the employee needs to prove that his or her employer fell short of industry norms at the time of contraction.

In addition, the employee needs to prove that the conditions under which he or she worked were the responsibility of the company and not of an individual person, such as a mine manager or supervisor. The employee also needs to prove wrongfulness on the part of the employer.

If plaintiffs in such a case are successful, it would set a precedent and have a significant impact on the industry.

Edited by: Martin Zhuwakinyu