

# The Evaluation of the Protection of Mineworkers in the Workplace: An Investigative Legal Perspective



Sandisiwe Mntwelizwe<sup>1</sup>  & Paul S. Masumbe<sup>1</sup> 

<sup>1</sup> School of Law, Faculty of Law, Humanities and Social Sciences, Walter Sisulu University, South Africa.

## ABSTRACT

Mining in South Africa is said to be the driving force behind the history and development of the country's economy. For mining to operate there must be people who are employed and responsible for the duties that are carried out during mining processes. The Labour Relations Act 66 of 1995 protects mineworkers as employees. Despite this, there are still significant obstacles that mineworkers must overcome at work. Owing to the nature of their work, they are subjected to health risks and industrial injuries that occasionally result in death. The purpose of this article is to discuss the general background of mining, the constitutional rights of mineworkers, and the protection afforded to mineworkers by various legislations. Using the qualitative research method with emphasis on desktop research methodology, the authors will evaluate whether the protection provided to mineworkers by their employers and relevant legislation is sufficient. It will later provide recommendations of what can be done to improve the protection of mineworkers in the workplace.

*Keywords: Mining, Mineworkers, Labour Relations Act, Workplace, Constitutional Rights*

## Correspondence

Paul S. Masumbe

Email: [pmasumbe@wsu.ac.za](mailto:pmasumbe@wsu.ac.za)

## Publication History

Received: 11<sup>th</sup> June, 2024

Accepted: 20<sup>th</sup> August, 2024

Published online:

11<sup>th</sup> September, 2024

## INTRODUCTION

According to Adler, mining in South Africa is the driving force behind the history and development of the country's riches.<sup>1</sup> The large-scale and gainful mining in South Africa started with the discovery of a diamond, that was found on the banks of the Orange River in 1867 by Erasmus Jacobs.<sup>2</sup> Mining is regulated by the Mineral and Petroleum Resources Development Act<sup>3</sup> (MPRDA) which revokes, inter alia, the Minerals Act,<sup>4</sup> which itself combined almost all the previous mining legislation. The preamble of the Mineral and Petroleum Resources Development Act affirms the state's obligation to provide protection of the environment for the benefit of present and future generations and to ensure ecologically sustainable development that promotes economic and social development.<sup>5</sup>

There are various mining practices, namely gold mining, coal mining and platinum mining. In South Africa, the first discovery of gold was in Witwatersrand, and it resulted in the 1886 Witwatersrand

<sup>1</sup> S. H. Oelofse et al., "The Pollution and Destruction Threat of Gold Mining Waste on the Witwatersrand: A West Rand Case Study," in *10th International Symposium on Environmental Issues and Waste Management in Energy and Mineral Production (SWEMP, 2007)*, Bangkok (Citeseer, 2007), 11–13.

<sup>2</sup> Shimansky, "The History of Diamonds in South Africa," accessed August 31, 2024, <https://www.shimansky.co.za/pages/discover-about-diamonds-history>.

<sup>3</sup> Act 28 of 2002.

<sup>4</sup> Act 50 of 1991.

<sup>5</sup> Act 49 of 2008.

gold rush.<sup>6</sup> Besides the above-mentioned discoveries, South Africa is also regarded as the major producer of coal, manganese, and chrome.<sup>7</sup> Mining activities adversely affect the environment, as mining activities cause water pollution, loss of biodiversity, and soil erosion. As a result of the above-mentioned impacts of mining, the environment is degraded. According to the National Environmental Management Act<sup>8</sup> (NEMA), the term environment is defined as “the surroundings within which humans exist.” NEMA states that surroundings are made up of water, land and the atmosphere of the earth and the micro-organisms, plant, and animal life. Section 28(1)<sup>9</sup> of the NEMA deals with the duty of care and remediation of environmental damage. Section 28(1) of the NEMA provides that:

“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”<sup>10</sup>

Based on the mining activities referred to in section 28 of NEMA,<sup>11</sup> it means that the mining companies have to find preventative measures to prevent any degradation and pollution that can cause harm to the environment. However, there are still mining companies that do not adhere to the provisions of section 28 and as a result, there are still environmental impacts of mining that negatively affect mine workers, water, air, and land.

In terms of the Environmental Conservation Act<sup>12</sup>(ECA), the environment is defined as “the aggregate of surrounding objects, conditions and influences that influence the life and habits of man or any other organism or collection of organisms.” This manuscript aims to evaluate the protection vested in mine workers in the workplace. The protection can be provided in terms of the Constitution of the Republic of South Africa, various legislations, and labour laws.

There are relevant statutes which deal with the environment at large and deal with mining activities. Section 24 of the Constitution<sup>13</sup> guarantees everyone the right to an environment that is safe in respect of their health and well-being.<sup>14</sup> Section 24 of the Constitution<sup>15</sup> deals with environmental protection and section 24(1)(b) of the Constitution provides that “everyone has the right to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation.”<sup>16</sup> Whereas mining activities are regulated by the Mineral and Petroleum Resources Development Act (MPRDA).<sup>17</sup>

This paper acknowledges the importance and the role that mining plays in the economy but is more concerned with the employees as to whether their constitutional rights are protected in the workplace. It is a common cause that the employee has both rights and responsibilities in the workplace. The employer must ensure that the employees are afforded protection in the workplace. This manuscript seeks to evaluate the protection provided to employees of a mine and whether the protection as guaranteed is adequate or is applied consistently in ensuring the safety and well-being of the employees.

## METHODOLOGY

This study used qualitative research methodology. Qualitative research is a form of research that aims to gather or collect and analyse data to gain an understanding of the concepts. In this regard, the key methodological approach for this study was the desktop research approach. Data from secondary sources

---

<sup>6</sup> Oelofse et al., “The Pollution and Destruction Threat of Gold Mining Waste on the Witwatersrand: A West Rand Case Study.”

<sup>7</sup> Hlombe Azukile Makuluma, “A Case Study from a Gold Mining Company: A Call for Leadership towards More Sustainable Futures” (Stellenbosch University, 2011).

<sup>8</sup> Act 107 of 1998.

<sup>9</sup> Act 107 of 1998.

<sup>10</sup> Act 107 of 1998.

<sup>11</sup> Act 107 of 1998

<sup>12</sup> Act 73 of 1989.

<sup>13</sup> The Constitution of the Republic of South Africa, 1996.

<sup>14</sup> Section 28 of the Constitution of the Republic of South Africa, 1996.

<sup>15</sup> The Constitution of the Republic of South Africa, 1996.

<sup>16</sup> Section 24(1)(b)(i) of the Constitution of the Republic of South Africa, 1996.

<sup>17</sup> Act 50 of 1991.

such as articles, literature surveys, the internet and other electronic sources dealing with mineworkers' environment and its associated legal and constitutional ramifications are analysed.

## DISCUSSION

### The Employer's Obligation to Protect Employees in the Workplace

For the purposes of this section, it is important to define who an employee is. In terms of the Labour Relations Act<sup>18</sup> an employee is referred to as any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; and any other person who in any manner assists in carrying on or conducting the business of an employer.<sup>19</sup> This therefore is an indication that the employer has an obligation to provide a safe working environment to an employee who meets the above description. It is provided that labour law is considered to be an umbrella that provides protection to these employees.<sup>20</sup> The labour law umbrella protects employees against unfair dismissal, exploitation, and victimisation in the workplace.<sup>21</sup> Based on this statement one can argue that one of the primary aims of the Labour Relations Act<sup>22</sup> is to promote sound relations between employers and employees in the workplace.<sup>23</sup>

Employers have a duty to provide their employees with a safe work environment as far as reasonably practical.<sup>24</sup> The employer may, depending on the nature of work or workplace, have to provide the employee with protective devices, install safety equipment and exercise proper supervision.<sup>25</sup> This duty arises from both common law and is enhanced and extended by legislation, such as the Occupational Health and Safety Act<sup>26</sup> and Mine Health and Safety Act.<sup>27</sup>

It is provided that employers have a common law duty of care to ensure the safety of employees in the workplace and this applies to all employees whether employed in the private or public sector and this is supported by the case of *Van Deventer v Workmen's Compensation Commissioner*.<sup>28</sup> In the *Van Deventer* case, the court held that an employer must take "reasonable" measures to ensure the safety of employees, failing which the employer can be held liable.<sup>29</sup> There is no absolute duty on an employer to provide a safe working environment. However, the employer must ensure that employees are not exposed to any danger in the workplace flowing from the employer's negligence. Therefore, employers have a common law duty to take reasonable measures to limit the risks that are faced by mineworkers in the workplace.

As mentioned above, the employer has a common law duty to take reasonable measures to limit the risks that mineworkers may be exposed to in the workplace. Reasonableness will differ according to the facts of each case, as the courts will measure the reasonableness of the employer's actions in protecting the employee's safety in the workplace.<sup>30</sup>

### The Constitution of the Republic of South Africa

The mining industry plays a major role in the South African economy and one can argue that without the miners there would be no economic development in this sector. Although mining positively affects the

<sup>18</sup> Act 66 of 1995.

<sup>19</sup> Section 213 of the Labour Relations Act 66 of 1995.

<sup>20</sup> Marie McGregor et al., *Labour Law Rules*, 4th ed. (Blue Weaver Marketing, 2023).

<sup>21</sup> McGregor et al., *Labour Law Rules*, 20.

<sup>22</sup> Act 66 of 1995.

<sup>23</sup> McGregor et al., *Labour Law Rules*, 20.

<sup>24</sup> McGregor et al., *Labour Law Rules*, 45.

<sup>25</sup> McGregor et al., *Labour Law Rules*, 45.

<sup>26</sup> Act 85 of 1993.

<sup>27</sup> Act 26 of 1996.

<sup>28</sup> 1962 (4) SA 28 T at 31B.

<sup>29</sup> Boshoff J summarised an employer's duty as follows "[a]n employer owes a common law duty to a workman to take reasonable care for his safety. The question arises in each particular case what reasonable care is required. This is a question of fact and depends upon the circumstances of each particular case. A master is in the first place under a duty to see that his servants do not suffer through his personal negligence, such as failure to provide a safe working environment and a failure to provide proper and suitable plant, if he knows or ought to have known of such "failure"."

<sup>30</sup> In the case of *Kruger v Charlton Paper of South Africa (Pty) Ltd* 2002 (2) SA 335 SCA a qualified engineer had squeezed through a gap on the side of an electric terminal that was live and suffered serious injuries. He acted against the employer for not ensuring his safety in the workplace. The court held that a person in the position of the employer would not have foreseen that a person would have squeezed through the gap in the terminal and suffer injuries from the live electric terminal and therefore the employer was held not to be liable.

country's economy, it negatively affects the mine worker's health. Mining companies only focus on the positive effects of mining and tend to ignore the rights to which their miners are entitled. Such rights of the miners as provided by the Constitution of the Republic of South Africa.<sup>31</sup> Certain miners end up with sicknesses, disability which result in the loss of employment. The right to a safe environment, right to health, human dignity, right to life, right to safety and security are violated because of mining activities.

### **The Right of Mine Workers to Safety Environment**

According to section 24 of the Constitution,<sup>32</sup> everyone has a right to a safe environment. Section 24(1)(a)<sup>33</sup> provides that everyone has the right to an environment that is not harmful to their health or well-being. Section 24(1)(b)(iii)<sup>34</sup> provides that everyone has the right to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

The conditions to which the mine workers are exposed during the process of mining cause health problems to mine workers. The mining constitutes pollution which in turn causes illnesses such as silicosis, tuberculosis, cancer, and immune system problems to certain miners. This is inconsistent with the founding values of the South African Constitution. Section 2<sup>35</sup> inaugurates Constitutional supremacy which declares that the Constitution is the supreme law of the Republic, law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled.<sup>36</sup> Currently, there is nothing that is done about the mine workers who have suffered harm because of hazardous harm caused by the mining industry. The mining authorities either compensate the mine workers with little to even security and continue to feed the whole family as most mine workers are breadwinners to their families or less than the bare minimum to survive.

Reference is the *Bongani Nkala and 65 Others v Harmony Gold Mining Limited and 31 Others*<sup>37</sup> this case is based on the application for the approval of a settlement agreement in a class action. This was an *ex-parte* application against companies operating in the gold mining industry. The court held that any settlement agreement reached by the class representatives on behalf of a class must be approved. This was an application done in May 2016 which the court approved on the 26<sup>th</sup> of July 2019 granting millions for class action settlement between gold companies and law firms representing thousands of miners who contracted the fatal lung diseases silicosis and tuberculosis.

### **The Right of Mine Workers to Life and Human Dignity**

As a general rule, everyone has the right to life as guaranteed by the Constitution of the Republic of South Africa.<sup>38</sup> Section 11<sup>39</sup> of the Constitution provides that everyone has the right to life. The Constitution is the basis of all laws and as such no conduct or act should be inconsistent with the provisions of the Constitution. There are instances where miners lose their lives while on duty. This indicates that there is a violation of mine worker's right to life as provided by the Constitution. This means therefore that the environment in which the mine workers are working is harmful to their health as it can at times result in the death of an employee/employees while on duty. It is of paramount importance to find ways how to minimise the dangers to which the mine worker's health is exposed.

In most cases the people who die while in the course of their employment are the breadwinners to their families. This means that the family is left with no source of income due to the death of the person who was able to provide for the entire family. There are various factors which cause harm to the health of mine workers while in the course of work. The factors include temperature, humidity, and rock bursts.

---

<sup>31</sup> The Constitution of the Republic of South Africa, 1996.

<sup>32</sup> The Constitution of the Republic of South Africa, 1996.

<sup>33</sup> The Constitution of the Republic of South Africa, 1996.

<sup>34</sup> The Constitution of the Republic of South Africa, 1996.

<sup>35</sup> The Constitution of the Republic of South Africa, 1996.

<sup>36</sup> Section 2 of the Constitution of the Republic of South Africa, 1996.

<sup>37</sup> 2016 (5) SA 240 (GJ) (13 May 2016).

<sup>38</sup> The Constitution of the Republic of South Africa, 1996.

<sup>39</sup> The Constitution of the Republic of South Africa, 1996.

Even though there are various factors which contribute to the death or disabilities of some mine workers, heat and strokes are some of the factors that increase the number of deaths of mine workers.<sup>40</sup>

Section 10<sup>41</sup> of the Constitution provides that everyone has the right to inherent dignity and the right to have their dignity respected and protected.<sup>42</sup> The right to inherent human dignity is one of the certain constitutional rights on which the demand for a safe environment is based. For a person to be exposed to an environment that is harmful to one's health is tantamount to violating the founding values of the Constitution.<sup>43</sup>

## **Diseases Suffered by Mineworkers while on Duty**

### **a. Silicosis and coal worker's pneumoconiosis**

The mining industry releases dust into the air space, and this negatively affects the mine worker's health as the release of such dust causes a spectrum of lung diseases.<sup>44</sup> This can lead to lung cancer which makes which leads to a high risk for tuberculosis and other serious diseases. The mine dust is a complex mixture of materials which causes coal workers pneumoconiosis.<sup>45</sup> Pneumoconiosis is a term used to refer to a group of fibrotic interstitial lung diseases caused by the inhalation of mineral dust. This is black lung disease with no curative treatment because fibrosis of the lung is irreversible. The coal worker's pneumoconiosis is caused by the inhalation of coal mine dust in the lungs.<sup>46</sup> Silicosis is a living disease that is caused by exposure to silicon dioxide. Silicosis is irreversible once inhaled and it is incurable, however, it can be prevented.<sup>47</sup> Coal miners can develop silicosis due to respirable crystalline silica dust which spells potentially serious life-threatening situations.

### **b. Cancer**

Mining is regarded as one of the occupations that causes death and disability to its mine workers.<sup>48</sup> It is provided that based on the research done by various researchers' lung cancer is caused by mining activities.<sup>49</sup> This means therefore that lung cancer is caused by the exposure of asbestos which the mine workers inhale while in the course of work.

### **c. Asbestosis**

Asbestosis mining negatively affects the lung and pleura disorders which are consumed by mine workers through inhalation of asbestosis fibres.<sup>50</sup> Asbestosis is not mined in South Africa but mostly mined in other countries. It is provided that South Africa and India produced and sold the asbestosis to the big mining companies.<sup>51</sup> According to statistics provided in 2004, asbestos-related lung cancer from occupational exposures resulted in 107, 000 deaths annually and 1,523, 000 Disability Adjusted Life Years. This is a measure that is used to estimate the overall disease burden, which is expressed as the number of years lost due to ill health, disability, or early death.<sup>52</sup> Many miners lost their lives due to asbestosis, and a cohort study among miners from Canada where 108 out of 8, 009 were attributed to pneumoconiosis.<sup>53</sup>

Although mining practices take place in different countries it is one of the reasons why mine workers lose their lives or get ill with diseases that are caused by the mining industries. Even though each

<sup>40</sup> H J Simons, "Death in South African Mines," *Africa South* 5, no. 4 (1960): 41–55.

<sup>41</sup> The Constitution of the Republic of South Africa, 1996.

<sup>42</sup> The Constitution of the Republic of South Africa, 1996.

<sup>43</sup> The Constitution of the Republic of South Africa, 1996.

<sup>44</sup> Edward L Petsonk, Cecile Rose, and Robert Cohen, "Coal Mine Dust Lung Disease. New Lessons from an Old Exposure," *American Journal of Respiratory and Critical Care Medicine* 187, no. 11 (2013): 1178–85.

<sup>45</sup> A Scott Laney and David N Weissman, "Respiratory Diseases Caused by Coal Mine Dust," *Journal of Occupational and Environmental Medicine* 56 (2014): S18–22.

<sup>46</sup> L Burström et al., "Safety and Health in Mining: Part 1," *Occupational Health Southern Africa* 23, no. 3 (2017): 10–20.

<sup>47</sup> Burström et al., "Safety and Health in Mining: Part 1."

<sup>48</sup> Burström et al., "Safety and Health in Mining: Part 1."

<sup>49</sup> R Guild et al., "SIMRAC Handbook of Occupational Health Practice in the South African Mining Industry," *Johannesburg: SIMRAC*, 2001.

<sup>50</sup> Burström et al., "Safety and Health in Mining: Part 1."

<sup>51</sup> Burström et al., "Safety and Health in Mining: Part 1."

<sup>52</sup> Maria Neira, *Chrysotile Asbestos* (World Health Organization, 2014).

<sup>53</sup> Neira, *Chrysotile Asbestos*.

country has a certain kind of mineral that they mine, they all negatively affect the mine worker's health. It can be argued that though mining plays a major role in the country's economy, it is also one of the reasons for the high mortality rate. A lot of precautions still need to be applied to prevent the high mortality rate due to mining.

### **The Mine Health and Safety Act**

It is provided that the main purpose of the Mine Health and Safety Act<sup>54</sup> is to protect the health and safety of people at mines and to ensure continuous improvement in the prevention of incidents.<sup>55</sup> The Act sets standards, and enforcement measures and promotes a cooperative approach between all role players to meet this goal.<sup>56</sup> This Act therefore applies to all mines and it defines a 'mine' in a wide sense.<sup>57</sup> It is said to include all premises where there is a search for, excavation of, or exploration of a mineral deposit and any process related thereto.<sup>58</sup>

The Act provides duties for different role players at mines being worked and those not being worked.<sup>59</sup> The duty that is vested to employers at mines not being worked requires them to continuously take reasonable steps to prevent injuries, ill-health, loss of life, or damage of any kind.<sup>60</sup> The Act compels any person who designs, manufactures, repairs, imports, erects, or supplies any article for use at a mine to ensure, as far as reasonably practicable, that the article is safe for use when used properly.<sup>61</sup>

### **CONCLUSION**

The employer and employee relationship is a very important one in the sense that both parties work hand in hand to ensure that the employees perform their duties as expected while the employer ensures that the environment into which the mineworkers perform their duties is a conducive, safe environment with protective working material. This is to ensure that the health of the employees in the workplace is not exposed to hazardous conditions. From the above discussion, one can argue that there is always room for improvement in ensuring that the exposure of mineworkers to different chemicals in the workplace is minimised to reduce the chances of mineworkers having health complications while on duty.

Various statutes provide protection and compensation to mineworkers who are either injured while on duty or incurred any illnesses while on duty. However, the protection that is provided to these categories of mineworkers is never sufficient as some mineworkers die because of illnesses incurred on duty without receiving any compensation due them thereby leaving behind stranded families. It is important therefore that the mineworkers are informed and educated about the various processes they need to take should they be exposed to any danger while on duty. This will make things easier for their well-being and it will also prevent the mineworkers from lodging their claims in relation to the injuries they sustained at a stage where the prescribed time frame has lapsed as required by relevant laws of compensation.

While conducting a community outreach program the authors identified that most issues faced by mineworkers either those that are still employed, retired, or retrenched due to operational requirements were never informed of the procedures they must follow to get proper assistance either claiming their UIF funds, and claiming for the sicknesses they have suffered because of mining activities. Hence the authors recommend that there is a need to have a statute, or rules made that will ensure that employers are subjected to penalties in the event of failure to make the information available that is crucial to their mineworkers or ex-miner workers' financial compensation in the event of mining mishaps. This will protect mineworkers from being subjected to exploitation.

---

<sup>54</sup> Act 26 of 1996.

<sup>55</sup> McGregor et al., *Labour Law Rules*, 132.

<sup>56</sup> McGregor et al., *Labour Law Rules*, 132.

<sup>57</sup> McGregor et al., *Labour Law Rules*, 132.

<sup>58</sup> McGregor et al., *Labour Law Rules*, 132.

<sup>59</sup> McGregor et al., *Labour Law Rules*, 132.

<sup>60</sup> McGregor et al., *Labour Law Rules*, 132.

<sup>61</sup> McGregor et al., *Labour Law Rules*, 133.

## **BIBLIOGRAPHY**

### **CASE LAW**

*Bongani Nkala and 65 Others v Harmony Gold Mining Limited and 31 Others* 2016 (5) SA 240 (GJ) (13 May 2016).

*Kruger v Charlton Paper of South Africa (Pty) Ltd* 2002 (2) SA 335 SCA

*Van Deventer v Workmen's Compensation Commissioner* 1962 (4) SA 28 T at 31B.

### **LEGISLATION**

Environmental Conservation Act 73 of 1989

The Constitution of the Republic of South Africa, 1996.

Labour Relations Act 66 of 1995.

Mineral and Petroleum Resources Development Act 28 of 2002 Act 28 of 2002

Mineral Act 50 of 1991.

Mine Health and Safety Act 26 of 1996.

National Environmental Management Act 107 of 1998.

Occupational Health and Safety Act 85 of 1993.

### **BOOKS AND ARTICLES**

Burström, L, K Elgstrand, D L Sherson, E Jørs, C Nogueira, J F Thomsen, M Fingerhut, E Apud, H Rintamäki, and N Coulson. "Safety and Health in Mining: Part 1." *Occupational Health Southern Africa* 23, no. 3 (2017): 10–20.

Guild, R, R I Ehrlich, J R Johnston, and M H Ross. "SIMRAC Handbook of Occupational Health Practice in the South African Mining Industry." *Johannesburg: SIMRAC*, 2001.

Laney, A Scott, and David N Weissman. "Respiratory Diseases Caused by Coal Mine Dust." *Journal of Occupational and Environmental Medicine* 56 (2014): S18–22.

Makuluma, Hlombe Azukile. "A Case Study from a Gold Mining Company: A Call for Leadership towards More Sustainable Futures." Stellenbosch University, 2011.

McGregor, Marie, Adriette Dekker, Mpfariseni Budeli-Nemakonde, Wilhelmina Germishuys, Ernest Manamela, Tukishi Manamela, and Clarence Tshoose. *Labour Law Rules*. 4th ed. Blue Weaver Marketing, 2023.

Neira, Maria. *Chrysotile Asbestos*. World Health Organization, 2014.

Oelofse, S H H, P J Hobbs, J Rascher, and J E Cobbing. "The Pollution and Destruction Threat of Gold Mining Waste on the Witwatersrand: A West Rand Case Study." In *10th International Symposium on Environmental Issues and Waste Management in Energy and Mineral Production (SWEMP, 2007)*, Bangkok, 11–13. Citeseer, 2007.

Petsonk, Edward L, Cecile Rose, and Robert Cohen. "Coal Mine Dust Lung Disease. New Lessons from an Old Exposure." *American Journal of Respiratory and Critical Care Medicine* 187, no. 11 (2013): 1178–85.

Shimansky. "The History of Diamonds in South Africa." Accessed August 31, 2024. <https://www.shimansky.co.za/pages/discover-about-diamonds-history>.

Simons, H J. "Death in South African Mines." *Africa South* 5, no. 4 (1960): 41–55.

### **ABOUT AUTHORS**

Sandisiwe Mntwelizwe is an LLD Candidate at University of Free State, an admitted attorney of the High Court of South Africa, and a lecturer, School of Law, Faculty of Law, Humanities and Social Sciences, Walter Sisulu University. Her research interests include areas in Mercantile law with specialisation in Labour Law.

Paul S. Masumbe (LLD) is a Senior Lecturer and Research Supervisor, School of Law, and Chairperson, Faculty Research & Higher Degrees Committee (FRHDC), Faculty of Law, Humanities and Social Sciences, Walter Sisulu University. He is external examiner for masters and doctoral degrees in law at

various universities and a reviewer of journals. His research interests include International Criminal Law, Human Rights Law, Labour Law with emphasis on dismissal, and selected areas of Private Law.