

## **FORMER EMPLOYEE: PRESENTATION**

My name is Rodgers Thuthuka Khanyile, one of the former employees of Thor Chemicals (Cato Ridge) in KZN and, I started working at the same company in 1989, and I was retrenched in 1998. I started working in a mercury department, and we were offloading the mercury sludge that was coming from overseas and, we were dumping it into the dams, and later on I ended up working in a warehouse as store's administrator.

It is very sad and painful that after almost two decades we haven't found a closure about Thor Chemicals and this is despite all our attempts in communicating with the relevant government officials and Ministers and, this is also happening despite a commission of inquiry that was appointed by the late former President Nelson Mandela in 1995 to look specifically into this matter.

Firstly, I would like to give the Honourable members of the Parliament a conspectus about Thor Chemicals so that the Honourable members of the Parliament will have a clear picture as to why we, as the former employees of Thor Chemicals are of the view that both the apartheid government and the current government let us down by not protecting us as its citizens against exploitation by Thor Chemicals

Shortly, Thor Chemicals is a United Kingdom based company that came to South Africa in the early seventies, and in 1986 the said company terminated mercury operations in Margate and shifted its Margate mercury plant operations, "lock stock and barrel" including key personnel to Cato Ridge, KZN (South Africa). In addition, the company also imported to South Africa 3,500 tonnes of mercury- containing waste for recycling and the company took this initiative after elevated levels mercury were found in blood and urine of its workers, and hence, the company was ordered to shut down its plant and to compensate employees.

Without taking any precautionary measures, the company decided to come to Africa and continue where it ended. We were employed under terrible conditions, for instance, no safety measures were taken to ensure the safety of workers, no induction was done to us as employees, the personal protective equipment (PPE) that we were provided with were inadequate to be used in a mercury plant. For instance, we were wearing just ordinary dust paper masks, we were given short gloves and no aprons to cover ourselves in case of spillage. And as a result we were often burnt by the mercury sludge. The worst part of it was the fact that our Health and Safety Officer (Mr Bill Smith), was previously employed as an ordinary truck driver in England with no qualifications or experience in that department. The company mostly used casual workers to work in hazardous places and the criteria that was used by the company was that if your mercury levels are high the company stopped you to work for one or two weeks until your levels were below 100 parts per billion. But if your mercury levels were persistently high, the company dismissed you.

Early in the 90s we started to feel the symptoms of mercury poisoning, for instance our families started to notice our behavioral changes, our gums were bleeding, and some of

our colleagues were going mad. We reported these incidents to our management, but instead we were offered orange juice, and milk and we were told that these liquids will help us to reduce the levels of mercury in our bodies. In 1992, three of our colleagues were admitted in King Edward Hospital, and they were in comatose due to mercury poisoning. Two of them passed away, and one of them, Mr Engelbert Ngcobo, was in comatose for almost three years before he died. The former President Nelson Mandela visited them in while they were lying in their deathbeds in hospital.

In 1995 the former President, Nelson Mandela, appointed a commission of inquiry that was chaired by Judge Dennis Davis (the "Davis Commission") to look specifically into the issue of Thor Chemicals. We were told that the commission was supposed to have two phases and for some reasons unbeknown us only one phase took place. I will not delve into the contents of the commission of inquiry; suffice to say that the recommendations made that commission were not implemented.

After the death of our colleagues, two cases were brought against Thor Chemicals in UK (Engelbert Ngcobo and Others v Thor Chemicals Holdings Ltd & Others (1995) and Moses Fano Sithole & Others v Thor Chemicals Holdings Ltd (1998). After these two court cases, Thor Chemicals decided to transfer all its assets and demerged in order to avoid more claims against the company. The company eventually changed its name from Thor Chemicals to Guernica Chemicals (Pty) Ltd. Out of 104 workers that worked at Cato Ridge plant, only 41 employees were compensated and that is our main course of concern.

Since 2004 we have been trying by all means to contact the relevant government departments including the Department of Labour regarding our issue, and we have even met some government officials and Ministers who promised to help us, but they all have disappeared into thin air. After the blast that took place at Cato Ridge plant in 2019, we heard and read through the newspaper that Thor Chemicals is prepared to come back to South Africa and spend about R300 million in order to remove all the mercury waste that was left behind. And we are told that the process is currently under way but to our dismay nothing has been mentioned about the former employees who were exposed and who are still suffering because of the same chemicals including those who have since passed away due to mercury related diseases.

We, as former employees, feel that our government is letting us down by allowing Thor Chemicals to continue with its clean-up operation without considering the issue of compensating us including the families of those who have since passed away. We therefore appeal to the Honorable members of the Parliament, as one of the most important pillars of our Government, to ensure that justice is not only done but also seen to be done to the former employees of Thor Chemicals.

I thank you.