

# LEGISLATION AND THE CHAMBER OF MINES' SURVEY

In 1986 the Chamber of Mines carried out a survey on 512 000 male migrant mine workers to determine how many of these people were infected with the HIV (AIDS) virus. Only miners on gold and platinum mines were chosen. 330 000 blood specimens were taken from this group and of these, 29 961 specimens were tested for the virus. The National Union of Mineworkers was not consulted on this decision and no informed consent was obtained from the miners themselves. Confidentiality was however, ensured at the time.

Out of 3165 Malawians tested, 119 (3,76%) were infected with the HIV virus. Of 2063 Botswana workers tested, 7 (0,34%) were infected. Of 1885 Swaziland workers tested, 1 (0,05%) were infected. Of 2152 workers from Mocambique, 2 (0,9%) were infected. Of 2246 workers from Lesotho tested, 2 (0,9%) were infected. 0,4% of South African migrants tested were found to be infected.

## AIDS: NUM PRESS RELEASE

After the Chamber of Mines had completed the above study, the state demanded the names of the infected miners. The doctors who took the blood from the miners refused to hand over these names. The state has taken legal action to obtain this information. Had the study been anonymous, this situation could not have arisen. These events show the importance of conducting future ethical studies anonymously. The following statement was released by the National Union of Mineworkers in response to the survey and legislation outlined above.

The NUM views with alarm the government's announced intention to repatriate mineworkers who are carriers of AIDS. This intention opens up many avenues of controversy.

## Infectivity.

If these carriers are properly counselled on sexual activity, they represent no danger to anyone else. AIDS is not infective in the same way TB, measles or other viruses are. We challenge the Ministries of Health to produce any medical evidence to the contrary.

## Fitness for work.

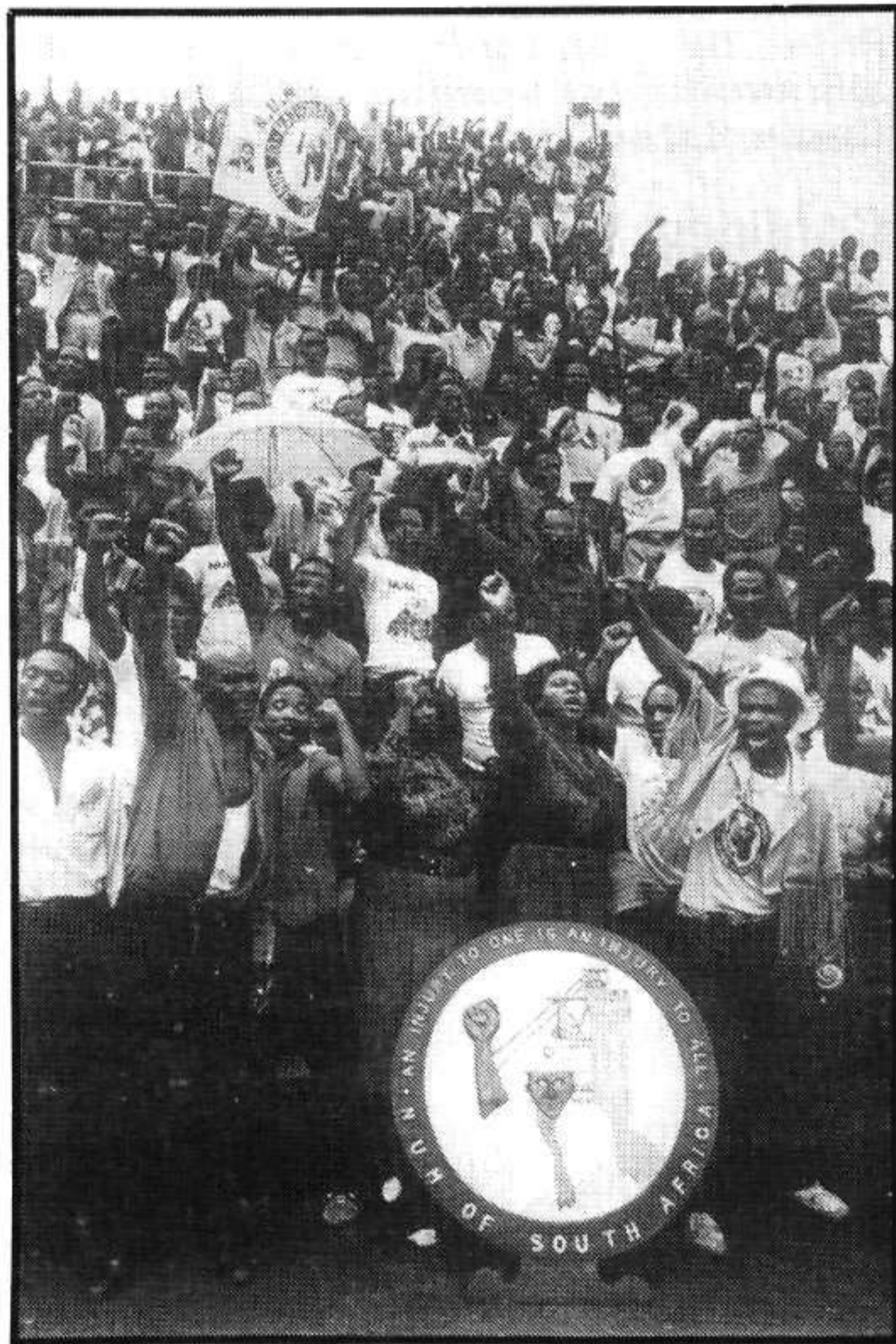
As carriers, these workers are all 100% fit for work. No one knows how many of them will in future develop the full-blown AIDS disease but at the moment they suffer no physical impairment at all.

## Spread on the mines.

To our knowledge there is no evidence of spread of AIDS on the mines. The statistical incidence of the disease among mineworkers is the same as the reported incidence in the countries of origin.

## Compensation.

If spread on the mines was to occur, the NUM would lay the blame squarely on the



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migrant labour system and the concomitants of single sex hostels and the break-up of families. This system is one that has benefited the mining industry financially for decades. Accordingly we demand that any AIDS sufferer be adequately compensated by the Chamber of Mines.

## **Confidentiality.**

To our knowledge, no mineworker has had explained to him the new consequences of a positive blood test for AIDS. As far as the workers were concerned, the blood test was a confidential matter between themselves and their doctor. Any doctor who performs this test without explaining the implications to his/her patient is guilty of a breach of ethics if the patient is subsequently victimized through the results of the test. The NUM will demand disciplinary action from the appropriate body if any doctor is found to have acted unethically.

## **Scapegoats.**

The problem of AIDS is wider than the mines. We suspect the minister is attempting to create the public image that the government is doing something about AIDS by targeting foreignborn mineworkers. We regard this as bully-boy tactics of the crudest kind.

## **The legality if this move.**

We maintain that the minister is exceeding his authority. The NUM demands that the minister provide us with the names of those to be repatriated. We will then challenge this ruling in court.

## **Future action**

High-handed bureaucratic rulings of this nature can only obscure the extent of AIDS on the mine. Our members would be entitled to ask why they should have these tests if the only results are possible repatriation; loss of a job without compensation; and the knowledge of a possible fatal outcome. The NUM itself might have to consider advising workers to refuse to be tested in the future.