



Mine Health and Safety Council

MINE HEALTH & SAFETY JOURNEY

MINE HEALTH AND SAFETY COUNCIL'S OFFICIAL e-NEWSLETTER

MEDICO LEGAL INVESTIGATIONS OF MINE DEATHS: GUIDANCE NOTE

It is important that in a case where an accident leads to death, a proper process is followed to analyse what went wrong and what is it that can be done to make future projects successful.

The Chief Inspector of Mines Mr. David Msiza has under the section 49 (6) of Mine and health and Safety Act (MHSA), 1996 (Act no: 29 of 1996) and after consultation with MHSC, issued a guidance note on medico-legal investigations of mine deaths in South Africa. This guidance originates from the need to provide clarity on the process that must be followed for deaths that require a Medico-Legal Autopsy.

This guidance note sets out good practice to stakeholders and should be read together with the current and relevant regulatory framework on Medico- Legal post-mortem investigations and does not constitute a specific and/or separate protocol.

Challenges that led to creating a Medico Legal investigations guidance note.

1. Uncertainties regarding roles and responsibilities of stakeholders in the event of death.
2. A significant proportion of death in the mining industry is complex and requires specialists' skills when performing Medico Legal post-mortem examinations.
3. Sudden deaths have been reported, where there is no associated accident or occurrence.
4. The manner in which post-mortem process is handled by, the employers and the state's forensic pathology services.
5. Timeous processing and submission of post-mortem examination report to facilitate the conclusion of the Mine Health and Safety Inspectorate (MHSI) investigations in terms of section 11(5) and 60 (1) of the MHSA.

The MHSC established a task team of medical and legal experts representing the State, Employers and Organised Labour to deal with the challenges above while developing the guidance note. We are hopeful that this guidance note will add value to the South African Mining Industry (SAMI).

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