



---

**APPLICATION OF THE COMPENSATION FOR  
OCCUPATIONAL INJURIES AND DISEASES ACT  
(COIDA) IN THE WORKPLACE: A GUIDE FOR  
GOVERNMENT DEPARTMENTS**



**APRIL 2005**

Issued by the Department of Public Service and Administration



---

# TABLE OF CONTENTS

<b>PART 1: INTRODUCTION AND BACKGROUND TO THIS GUIDE</b>	<b>4</b>
1 WHAT IS THIS GUIDE?	4
2 WHY WAS THE GUIDE DEVELOPED?	4
3 WHAT IS THE PURPOSE OF THIS GUIDE?	4
4 HOW WAS THE GUIDE DEVELOPED?	5
5 SCOPE OF THIS GUIDE	5
6 THE FUTURE	5
<b>PART 2: GENERAL OVERVIEW OF COIDA</b>	<b>7</b>
1 BACKGROUND TO THE EXISTENCE OF COIDA	7
2 RESPONSIBILITY FOR THE ADMINISTRATION AND MANAGEMENT OF COIDA	7
3 EVENTS COVERED UNDER COIDA	8
4 MAIN BENEFITS UNDER COIDA	9
5 LIMITATIONS	10
6 NEGLIGENCE OF THE EMPLOYER	10
7 MISCONDUCT ON THE PART OF THE EMPLOYEE	11
8 OCCUPATIONAL DISEASES	11
9 COIDA AND COMMON LAW	12
10 ASSESSMENT OF EMPLOYERS (PRIVATE SECTOR) AND EMPLOYERS INDIVIDUALLY LIABLE (PUBLIC SECTOR)	13
<b>PART 3: APPLICATION OF COIDA IN THE PUBLIC SERVICE</b>	<b>14</b>
1 DEFINITIONS	14
2 GENERAL RESPONSIBILITIES OF ROLEPLAYERS	16
3 FINANCIAL LIABILITIES OF ROLEPLAYERS	20
4 RE-OPENING OF CLAIMS	22
<b>PART 4: PROCEDURES</b>	<b>24</b>
1 PROCEDURE TO REGISTER AS AN EMPLOYER	24
2 PROCEDURE FOR THE EMPLOYEE TO REPORT ACCIDENTS/DISEASES	25
3 PROCEDURE FOR THE MEDICAL PRACTITIONER TO COMPLETE MEDICAL REPORTS/FORMS	25
4 PROCEDURE FOR THE EMPLOYER TO REPORT ACCIDENTS/DISEASES	26
5 PROCEDURE FOR THE EMPLOYERS TO PAY ADMINISTRATIVE COSTS	27
6 PROCEDURE FOR THE EMPLOYER TO COMPLETE DOCUMENTS TO ACTIVATE PAYMENTS OF BENEFITS	27



---

7	PROCEDURE FOR NATIONAL TREASURY (PENSIONS ADMINISTRATION) TO ACTIVATE PAYMENTS-----	27
8	PROCEDURE TO CLAIM CONTINUATION OF MONTHLY PENSION AFTER THE AGE OF 18 -----	28
9	PROCEDURE TO CLAIM FOR CONSTANT ATTENDANCE ALLOWANCE -----	28
10	PROCEDURE TO APPLY FOR ADDITIONAL COMPENSATION (SECTION 56) --	29
11	PROCEDURE TO RECOVER COMPENSATION PAID TO THE EMPLOYEE FROM A THIRD PARTY -----	30
12	PROCEDURE TO OBJECT AGAINST THE DECISIONS BY THE COMMISSIONER (SECTION 91) -----	31
13	PROCEDURE TO DISPOSE OF UNCLAIMED MONIES (REGULATION 9 ISSUED IN TERMS OF COIDA)-----	31
14	PROCEDURE FOR EMPLOYEES EMPLOYED OUTSIDE THE COUNTRY (SECTION 23) -----	32
<b>PART 5: BENEFITS PAYABLE -----</b>		<b>33</b>
1	LEAVE FOR OCCUPATIONAL INJURIES AND DISEASES (TEMPORARY TOTAL DISABLEMENT) -----	33
2	PERMANENT DISABLEMENT -----	33
3	CONSTANT ATTENDANCE ALLOWANCE-----	34
4	FATAL CASES: PAYMENT TO DEPENDANTS -----	35
5	PAYMENT OF MEDICAL EXPENSES -----	36
6	BURIAL EXPENSES-----	36
7	TRANSPORTATION OF AN INJURED EMPLOYEE -----	36
8	ACCOMMODATION EXPENDITURE-----	36
<b>PART 6: APPLICABLE FORMS IN THE ANNEXURE-----</b>		<b>37</b>
EMPLOYER'S REGISTRATION-----		37
EMPLOYER'S REPORTS: ACCIDENTS -----		37
EMPLOYER'S REPORTS: OCCUPATIONAL DISEASES -----		37
DOCTORS REPORTS: OCCUPATIONAL INJURIES AND DISEASES -----		37
EMPLOYEE'S/DEPENDANT'S REPORT -----		38
<b>PART 7: USEFUL INFORMATION -----</b>		<b>39</b>
1	ASSISTANCE WITH MATTERS RELATED TO COIDA -----	39
2	OTHER INFORMATION -----	40



---

## **PART 1: INTRODUCTION AND BACKGROUND TO THIS GUIDE**

### **1 WHAT IS THIS GUIDE?**

- 1.1 The Department of Public Service and Administration (DPSA) recognises the serious nature and impact of injuries on duty and occupational diseases on the work place, and is committed to ensuring that the impact thereof on employees and on service delivery be minimised as far as possible.
- 1.2 Although injuries on duty and occupational diseases should be prevented as far as possible, in those instances where it unfortunately occurs, employees should be assisted on the application of the Compensation for Occupational Injuries and Diseases Act, No 130 of 1993 (COIDA). The effective and smooth application of the Act will substantially assist in the wellness of employees, good labour relations and therefore also enhances service delivery.
- 1.3 The Guide was therefore developed as a practical resource to assist departments and their personnel responsible for reporting and administering occupational injuries and diseases in the Public Service.

### **2 WHY WAS THE GUIDE DEVELOPED?**

The procedures to be followed in the Public Service when injuries occurred on duty or occupational diseases diagnosed were previously outlined in Chapter D.XIII of the Public Service Staff Code. The Staff Code was repealed in 1999, which created uncertainty in departments regarding their understanding of COIDA and also their financial liabilities, responsibilities and the procedures to be followed. This uncertainty unfortunately led to a situation where employees are not properly assisted and are not compensated for their injuries on duty or occupational diseases. Medical practitioners are also not paid for their treatment of public servants with the result that they become hesitant or even refuse to treat public servants. On the request of departments, a decision was taken to provide departments with a guideline document that will ensure a uniform and consistent approach in the administration of COIDA.

### **3 WHAT IS THE PURPOSE OF THIS GUIDE?**

- 3.1 Primarily the purpose of this Guide is to give guidance to all supervisors and senior managers on the correct application of COIDA in the event of an injury on duty or occupational disease. Human resource practitioners, labour relation officers and employee assistance practitioners will find it specifically useful as well as those officials responsible for the budgeting and payment for medical expenses for employees injured on duty.
- 3.2 To assist with the application of COIDA, the Guide gives an overview of COIDA, indicates the general responsibilities and financial liabilities of



---

departments and outlines the procedures that have to be followed in departments when injuries on duty occurred. Useful information and other relevant issues such as the benefits payable and the applicable forms to be used, etc, are also provided.

## 4 HOW WAS THE GUIDE DEVELOPED?

4.1 The Guide itself has been developed through several phases including:

4.1.1 A review of literature;

4.1.2 Formulation of a task team consisting of officials from DPSA and the Office of the Compensation Commissioner. This Guide was therefore jointly constructed by the two Offices and difficulties in the application of the Guide should not be encountered;

4.1.3 A draft guide was sent to all departments for comment and input. Valuable inputs were received and incorporated into a revised draft; and

4.1.4 The revised draft was workshopped with selected departments.

## 5 SCOPE OF THIS GUIDE

5.1 Of importance is that this guide is a Public Service employer's guide whereby guidance is given to employers in the Public Service on the correct application of COIDA. This Guide is NOT intended to replace any regulatory prescripts issued by the Office of the Compensation Commissioner. The Office of the Compensation Commissioner has the authority on COIDA and departments should always approach the Compensation Commissioner's Office to assist with their questions and queries regarding compensation matters.

5.2 In the Department of Correctional Services, South African Police Service and South African National Defence Force, arrangements on COIDA exist which are particular to their needs. The intention with this Guide is not to cover such departmental specific needs and procedures.

## 6 THE FUTURE

6.1 During the drafting of this Guide certain issues came to the fore that still need to be dealt with. One such issue is the difference between national departments and provincial departments in the manner in which payment for medical expenses is dealt with. National Departments do not have to budget and pay for such expenses (Department of Labour does it on their behalf) whilst on the other hand provincial departments are expected to do so. Such fundamental differences create unnecessary confusion within the Public Service. The relevant role-players will look into this and other issues.



- 
- 6.2 Another issue that was realised during the drafting is the general unavailability of user-friendly information (pamphlets, etc.) to Public Service employees on their rights, obligations, compensation, procedures, etc. This issue will also be addressed.
- 6.3 Lastly this Guide should not be seen as the absolute final version. It will be updated where necessary in future. Departments are therefore invited to constantly make inputs on matters regarding this Guide for the improvement thereof.



---

## **PART 2: GENERAL OVERVIEW OF COIDA**

### **1 BACKGROUND TO THE EXISTENCE OF COIDA**

- 1.1 COIDA was signed into South African Law effective from 1 March 1994. The Act is designed to provide compensation for disablement caused by occupational injuries and diseases sustained or contracted by employees in the course of their employment, or for death resulting from such injuries or diseases, and to provide for matters connected herewith.
- 1.2 Initially, the need for such an Act arose from technological developments and the use of labour to perform work on behalf of employers. There was very little support available to employees who were injured or killed on duty, or who contracted diseases in the course of their employment directly related to the work they did. Often employees who were unable to continue to work as a result of an accident were discarded from the labour market, and found themselves unable to earn a living through ill-health or just through lack of suitable work opportunities. Some employers did little to help employees, but the position was especially bleak for underprivileged dependants of injured or ill employees, such as orphans, widows and the elderly.
- 1.3 The State via the implementation of the Workmen's Compensation Act 1941 (Act No 30 of 1941) sought to redress this untenable situation, and made employers responsible for providing benefits to be payable to employees, in the event of an accident that impacted on the employee's ability to perform his tasks. The State therefore required employers to contribute to an accident fund by way of assessments levied on them. This Act was repealed and replaced by the Compensation for Occupational Injuries and Diseases Act No 130 of 1993 (COIDA) commencing 1 March 1994 providing benefits to employees. To this end it should be noted that the National and Provincial spheres of government are in terms of section 84 (1) of COIDA exempted from submitting returns of earnings and payment of assessment in favour of the compensation fund.

### **2 RESPONSIBILITY FOR THE ADMINISTRATION AND MANAGEMENT OF COIDA**

- 2.1 COIDA is under the control of the Director-General of the Department Labour, who delegates many of his functions to the Compensation Commissioner, whose duties are wide ranging such as the following:
  - To receive notices of accidents and occupational diseases and claims for compensation.
  - To inquire into accidents and occupational diseases.



- 
- To adjudicate on claims.
  - To issue an order for the payment of compensation in respect of an award made by him.
  - To decide whether a person is an employee, an employer, a mandator or a contractor.
  - To decide any question relating to a right to compensation; the submission, consideration and adjudication of claims for compensation; the calculation of earnings; the degree of disablement of any employee; the amount and manner of payment of compensation; the award, withholding, review, discontinuance, suspension, increase or reduction of compensation; the liability for payment of compensation.
  - To decide whether a person is a dependant of an employee and, if so, the extent of dependency upon the employee, and, in the case where there is more than one dependant, which shall receive compensation.
  - To decide upon the need for, and the nature and sufficiency of, medical aid; the reasonableness of the cost of medical aid, and the amount and manner of payment of such cost.
  - To decide upon the liability for assessment, tariffs of assessment, the amounts of assessments, the manner of payment of assessments and related matters.
  - To decide upon any other question falling within his functions.
  - To administer the compensation fund and the reserve fund.
  - To recover amounts due to the compensation fund, including amounts which should not have been paid out or write off such amounts if, in his opinion, they cannot be recovered.

2.2 After the conclusion of each financial year to submit a report to the Minister regarding the administration during the year

### **3 EVENTS COVERED UNDER COIDA**

3.1 Employees and their dependants are entitled to compensation under COIDA for accidents out of and in the course of their employment, which cause:

- The death of the employee
- The temporary total or temporary partial disablement of the employee



- 
- The employee to be permanently disabled
  - The employee to require medical aid
  - The employee to contract an occupational disease

3.2 To become entitled to benefits under COIDA, the employer's assessment contribution must have been made (applicable only to the private sector), and there must be no doubt that the accident arose out of and in the course of employment and that the employee was not wilfully negligent in causing the accident. In any event, all claims must be submitted within a period of 12 months of the date of accident. If not, the right to benefits under the Act will lapse. In other words an injured employee must report his/her injury sustained on duty within this prescribed period to either the employer and/or Compensation Commissioner.

## **4 MAIN BENEFITS UNDER COIDA**

Compensation benefits, based on the earnings of the employee at the time of the accident are payable under COIDA in respect of:

### **4.1 DEATH OF THE EMPLOYEE**

In respect of a fatal accident to an employee, compensation is payable from the compensation fund as a lump sum to the employee's dependants. The amount payable as determined based on the level of compensation payable had the employee been rendered totally disabled. In addition, monthly pensions are payable to widows and widowers of the employee and to his children. Other members of the employee's family who are dependent on the employee's earnings are also entitled to compensation depending on their degree of dependency on the employee.

### **4.2 TEMPORARY DISABLEMENT**

Where an employee is prevented by injury or illness from performing his regular duties for a time, and where there is an expectation that he will recover fully in time, he will be entitled to receive compensation for the time he is temporarily disabled. Temporary disablement can be either total or partial. An example of total temporary disablement would be a state of unconsciousness or coma, whereas broken limbs or a period of convalescence would be partial disablement of a temporary nature.

### **4.3 PERMANENT DISABLEMENT**

4.3.1 Permanent disablement resulting in the employee being rendered unable to perform his usual duties in the workplace under all circumstances. An example of permanent disability would be the loss of a limb, the eyes or hearing. In terms of COIDA disablement is graded in terms of the injury suffered by the employee.



---

4.3.2 The loss of a limb is graded at a higher percentage of disablement than is the loss of a toe or finger. Loss of total sight is graded higher as a percentage disablement than is the loss of sight of one eye.

#### **4.4 MEDICAL AID**

Employees are entitled to receive benefits in respect of medical aid arising from an accident. The period of compensation is for not longer than two years from the date of an accident or the commencement of a disease, and compensation will be for reasonable cost of medical aid necessitated by such accident or disease. If further medical aid could reduce the disablement of the employee, the Director-General may pay the additional medical costs.

#### **4.5 OCCUPATIONAL DISEASE**

Under this benefit class, employees are entitled to receive compensation for contracting an occupational disease, or a disease other than an occupational disease if such disease has arisen in the course of his employment. Benefits are calculated based on the outcome of the disease, whether this is death, permanent disablement or temporary disablement. The commencement of a disease will be the date on which a medical practitioner diagnosed that disease for the first time.

### **5 LIMITATIONS**

- 5.1 If an accident is attributable to the serious and wilful misconduct of the employee, no compensation benefits are payable, unless the accident results in serious disablement, or the employee dies leaving a dependant or dependants financially dependent upon him. Even so, the employee may still be entitled to compensation benefits under medical aid. The Compensation Commissioner will decide on the merit of each case.
- 5.2 If the accident does not arise out of the course of the employee's employment contract. COIDA defines the course of employment if it is in the normal functions of an employee's employment. If the employee was acting contrary to the rules of his employment or he was acting without any order of his employer, but the Director-General deems the employee was acting in connection with the business of his employer, compensation benefits will be payable.

### **6 NEGLIGENCE OF THE EMPLOYER**

- 6.1 The Act states that an accident or occupational disease shall be deemed to be due to the negligence of the employer if it was caused by an obvious defect in the condition of the premises, place of employment, equipment, material or machinery used in the business concerned, and which the employer, (or other persons described above) knowing of the defect has



---

failed to remedy or caused to be remedied. These defects could range from the seemingly innocuous loose tile in a toilet, to the unsafe condition of cutting machinery. Other defects may arise in storage practices or risk management activities, unroadworthiness of vehicles or fire protection equipment.

6.2 The Act also provides guidelines and rules for dealing with increased compensation where the Director-General decides that the accident was caused by negligence on the part of the employer. It is not only the direct employer who may be deemed to have committed an act of negligence, but e.g. also -

6.2.1 an employee authorized by the employer to manage or control the business or any branch or department. This means that all directors, managers, superintendents, supervisors and team leaders are deemed to be the employer, should they commit an act of negligence or omission that causes the death or disablement of an employee or causes them to contract a disease;

6.2.2 an employee who is responsible for hiring or discharging employees on behalf of the employer, such as personnel involved in Human Resources Management.

## **7 MISCONDUCT ON THE PART OF THE EMPLOYEE**

7.1 Serious and wilful misconduct in terms of COIDA means-

7.1.1 being under the influence of intoxicating liquor or a drug having narcotic effect

7.1.2 a contravention of any law for the protection or the health of employees or for the prevention of accidents, if such contravention was committed wilfully or with a reckless disregard of the provisions of such law

7.1.3 any other act or omission, which the commissioner having regard to all the circumstances considers to be serious and wilful misconduct.

7.2 In the event that the Compensation Commissioner decides that any accident in the workplace arose out of serious and wilful conduct on the part of the employee, no payment of compensation benefits will be made. There are however, certain circumstances in which the Compensation Commissioner may consider payments, even though the accident arose from wilful misconduct of the employee.

## **8 OCCUPATIONAL DISEASES**

8.1 In terms of COIDA, compensation benefits are payable for disease contracted by an employee which is directly attributable to his



---

employment. In addition, if the employee contracts a disease which is not related to his work activities, but is proved to have arisen in the course of his employment, he will be entitled to compensation under COIDA. In terms of COIDA an employee shall be entitled to the compensation provided for and prescribed in this Act if it is proved to the satisfaction of the commissioner-

- 8.1.1 that an employee has contracted a disease set out in Schedule 3 and such disease has arisen out of and in the course of his employment; or
  - 8.1.2 that an employee has contracted a disease other than a disease other than a disease set out in Schedule 3 and such disease has arisen out of and in the course of his employment.
- 8.2 There is further cover under the benefits payable for occupational diseases. This further cover may include treatment for other diseases that are not classified as occupational diseases, where the employee suffers from two diseases at the same time. If one of the diseases, not occupational, is delaying the employee's recovery from an occupational disease, the Director-General may authorize the payment for treatment of both diseases. These additional benefits are payable in respect of a general recovery from the disease or in respect of temporary total disablement prolonged by the non-occupational disease.
- 8.3 This is a very important benefit as it presumes cover in respect of HIV/AIDS, and other diseases not covered by the schedule of occupational diseases described in schedule 3 set out hereunder. As an example, an employee who was infected by the HIV virus at his workplace, by any accidental means (not by wilful exposure such as sexual contact or drug use) would be entitled to receive benefits under this section. If he was infected by blood samples, employed as a health care worker in a medical facility offered free by his employer, the contracting of HIV would be deemed to have arisen out of the course of his employment. Equally, if he suffers say from asbestosis contracted at his workplace and is also infected with HIV and his infection by the HIV virus is retarding his treatment for asbestosis, he may be eligible for treatment of HIV as well.
- 8.4 The employee must bring the disease to the attention of his employer, the Director-General within 12 months from the commencement of the disease. The commencement date of the disease is the date on which a medical practitioner first diagnoses the disease, or an earlier date determined by the Director-General if more favourable to the employee.

## **9 COIDA AND COMMON LAW**

- 9.1 In terms of COIDA, all benefits under the Act are automatic and cannot be withdrawn or refused by any employer. These benefits may also not be:



- 
- 9.1.1 alienated or reduced
  - 9.1.2 ceded or pledged
  - 9.1.3 capable of attachment or any form of execution under a judgement or order of a court of law
  - 9.1.4 subject to income tax
  - 9.1.5 set off against any debt of the person entitled to the compensation.
- 9.2 As a result of the implementation of the Act, general rights to employees under common law to sue their employers for losses suffered in the course of their employment have been removed. The Act is very clear on this and contains the following section, which states that these rights have been removed, and that the only recourse in respect of these losses is by means of COIDA.
- 9.3 The Act states: No action shall lie by an employee or any dependant of an employee for the recovery of damages in respect of any occupational injury or disease resulting in the disablement or death of such employee against such employee's employer, and no liability for compensation on the part of such employer shall arise save under the provisions of this Act in respect of such disablement or death.

## **10 ASSESSMENT OF EMPLOYERS (PRIVATE SECTOR) AND EMPLOYERS INDIVIDUALLY LIABLE (PUBLIC SECTOR)**

Employers in the private sector are assessed on an annual basis to determine the tariffs to be paid by the employers to the Compensation Fund. The assessment contribution is based on a percentage of total earnings paid by the employer over a 12-month period. The Compensation Commissioner may also levy a minimum assessment in respect of a particular employer or category of employers in the private sector. These assessments are used to pay compensation to beneficiaries. However, in terms of section 84 of the Compensation for Occupational Injuries and Diseases Act, 1993, public service departments are exempted from paying assessments to the Compensation Commissioner. Public Service departments are classified as "employers individually liable" which means that the employer is liable for the payment of compensation and reasonable medical expenses to injured employees. Although departments are not assessed like the private sector they must still annually pay a portion of the expenditure incurred by the Commissioner in the administration of the Act to the Compensation Commissioner.



---

## PART 3: APPLICATION OF COIDA IN THE PUBLIC SERVICE

### 1 DEFINITIONS

#### IMPORTANT

The definitions set out below are to assist with the reading and application of this guide. It is therefore not the purpose to replace any definitions in COIDA or the Public Service Act or other legislation. In all cases the definitions used in COIDA and the Public Service Act should be applied and adhered to.

- 1.1 “**Accident**” means an accident arising out of and in the course of an employee’s employment and resulting in a personal injury, illness or death of the employee (of which the date, time and place are indicated).
- 1.2 “**COIDA**” means the Compensation for Occupational Injuries and Diseases Act, 130 of 1993. The Act became applicable as from 1 March 1994 and was amended in 1997.
- 1.3 “**Commissioner**” means the Compensation Commissioner appointed by the Minister of Labour in terms of section 2(1) (a) of COIDA;
- 1.4 “**Compensation**” means payment of loss of earnings, if any, and the payment of reasonable medical expenses by various institutions and the payment of permanent disablement and pension to dependants.
- 1.5 “**Dependant**” means –
  - (a) a widow or a widower who at the time of the employee’s death was married to the employee according to civil law;
  - (b) a widow or widower who at the time of the employee’s death was a party to a marriage to the employee according to indigenous law and custom, if neither the husband nor the wife was party to a subsisting civil marriage;
  - (c) if there is no widow or widower referred to in paragraph (a) or (b), a person with whom the employee was at the time of the employee’s death living as a husband and wife;
  - (d) a child under the age of 18 years of the employee or his or her spouse, and includes a posthumous child, stepchild, an adopted child and a child born out of wedlock;



- 
- (e) a child over the age of 18 years of the employee or of his or her spouse, and a parent or any person who in the opinion of the Director-General was acting in the place of a parent, a brother, a sister, half-brother or half-sister, a grandparent or a grandchild of the employee,

and who was in the opinion of the Director-General at the time of the employee's death wholly or partly financially dependent upon the employee.

- 1.6 **“Employee”** means a person who has entered into or works under a contract of service or of apprenticeship or learnership, with an employer, whether the contract is expressed or implied, oral or in writing, and whether the remuneration is calculated by time or by work done, or is in cash or in kind. (Extract from COIDA).
- 1.7 **“Employer”** means a national department, a provincial administration, a provincial department and an organisational component as defined in the Public Service Act, 1994.
- 1.8 **“Employer individually liable”** means an employer who in terms of section 84(1) (a) of the COIDA is exempted from paying assessment fees to the Compensation Fund. (Note: All departments in the Public Service are exempted from paying assessment fees. However, departments must pay administrative cost to the Compensation Commissioner in terms of section 88 of COIDA. (See paragraph 5 of Part 4 for further details)
- 1.9 **“Head of department”** means the incumbent of a post mentioned in the second column of Schedule 1 and 2 of the Public Service Act, 1994 as amended, and includes any officer acting in such post.
- 1.10 **“Needle prick injuries”** means wounds caused by needles or sharp instruments that accidentally puncture the skin. **Note:** Needle prick injuries may transmit infectious diseases, esp. blood-borne virus like HIV/AIDS, hepatitis B, and hepatitis C, etc. See also Appendix A for the Compensation Commissioner's instruction on compensation for occupationally acquired HIV infection and AIDS
- 1.11 **“National department”** means a national department as contemplated in column 1 of schedule 1 of the Public Service Act, 1994, as amended.
- 1.12 **“Occupational disease”** means any disease contemplated in Section 65(1) (a) and (b) of COIDA or any disease mentioned in schedule 3 of COIDA.
- 1.13 **“Occupational injury”** means a personal injury sustained as a result of an accident arising out of and in the course of employment;
- 1.14 **“Organisational component”** means an organisational component as contemplated in column 1 of schedule 3 of the Public Service Act, 1994, as amended.



---

1.15 “**Provincial administration**” means a provincial administration as contemplated in column 1 of schedule 1 of the Public Service Act, 1994, as amended.

1.16 “**Provincial department**” means a provincial department as contemplated in column 1 of schedule 2 of the Public Service Act, 1994, as amended.

1.17 “**Permanent disablement**” means the permanent inability of an employee to perform any work as a result of an accident or occupational disease for which compensation is payable.

## 2 GENERAL RESPONSIBILITIES OF ROLEPLAYERS

### 2.1 GENERAL RESPONSIBILITIES OF EMPLOYERS

#### 2.1.1 TO REGISTER AS AN EMPLOYER

- (a) It is the responsibility of every National Department, Provincial Administration Provincial Department and Organisational Component to register with the Compensation Commissioner as an employer. The Commissioner will register the employers and issue a unique registration number for every employer. The Compensation Commissioner must be immediately notified of any changes in the employer’s particulars.
- (b) Provincial Administrations and Provincial Departments should take note that the practice whereby a Provincial Administration on behalf of all Provincial Departments is registered with the Compensation Commissioner (in other words only one registration number for the whole of a province), is phased out with effect from 1 April 2006. In keeping with legislative changes over the past few years, every Provincial Administration (Office of the Premier) and every Provincial Department are with effect from 1 April 2006 for purposes of COIDA deemed to be individual employers. Consequently, Provincial Administrations (Office of the Premier) and individual Provincial Departments must register with the Commissioner as individual employers with effect from **1 April 2006**. Individual Provincial Departments, which are currently not registered as individual employers, should therefore timeously ensure that they are correctly registered with the Compensation Commissioner. In this regard it is recommended that the regional representatives of the Compensation Commissioner be contacted. Contact details of the representatives are contained in Part 7 of the Guide.
- (c) Please see Part 4, paragraph 1 for the procedure to be registered as an employer.



### **IMPORTANT!**

**Departments must provide the Compensation Commissioner with the contact details of the person responsible for COIDA in the Department.**

**The Compensation Commissioner must be notified immediately in the event of new or changed contact details.**

#### **2.1.2 TO REPORT AN ACCIDENT OR ALLEGED ACCIDENT/ DISEASE**

- (a) The employer is obliged to report any injury/disease or alleged injury/disease to the Compensation Commissioner by completing the relevant forms (see Part 4). Any injury/disease must be reported to the Compensation Commissioner, whether the employer agrees or not with the employee's claim to be injured/contracted a disease while on duty. It is incumbent on the Compensation Commissioner to decide upon the liability that emanates from the claim.
- (b) Departments are cautioned that failure on their part to report such an accident/disease within reasonable time to the Compensation Commissioner may result in them being held responsible for the full costs attached to such a claim
- (c) The following time frames must be adhered to:
  - An accident must be reported within 7 days from the date of accident.
  - A disease must be reported within 14 days after the disease has been diagnosed.

#### **2.1.3 TO BUDGET FOR THE PAYMENT OF MEDICAL EXPENSES INCURRED BY EMPLOYEES**

2.1.3.1 The Department of Labour, on behalf of the National Departments, budgets for the medical expenses that may result from claims submitted by employees from these departments. The Compensation Commissioner pays these accounts on behalf of the Department of Labour, who in turn reclaim it on a monthly basis from the latter Department.

2.1.3.2 Provincial Departments and Administrations budget for the medical expenses that may result from claims submitted by their employees. The said Departments are thus responsible



---

for the payment of these medical as well as for the possible treatment cost flowing from the re-opening of claims.

#### **2.1.4 RECORD KEEPING**

2.1.4.1 The employer must keep records of the following information and must be available at all times:

- Name and PERSAL-number of the employee.
- Date of accident.
- Claim number.
- Copy of the ID.
- All relevant documents such as W CL2, W CL4, W CL5, WCL 6, etc. as well as the contact details of the employee such as tel. no., address, etc.

2.1.4.2 The above-mentioned records must be kept in safekeeping for as long as the employee/beneficiary is alive.

#### **2.1.5 TRAINING**

2.1.5.1 The employer is obliged to provide training to practitioners who are assigned with the responsibility to carry out the functions of COIDA in their departments. Retraining should take place if and when trained practitioners have left the service or as and when the need arises.

2.1.5.2 In addition to the above training, the employer is also responsible to ensure that all employees in its employ are familiar with the provisions and procedures prescribed in COIDA.

#### **2.1.6 COMMUNICATION**

2.1.6.1 Employers must continuously communicate with the affected employees on the status of their claims, as well as any outstanding information requested by the Compensation Commissioner to consider a claim.

2.1.6.2 The contact details of the component/persons responsible for administering claims related to COIDA in the department must therefore be disseminated to all employees in the department.

### **2.2 GENERAL RESPONSIBILITIES OF EMPLOYEES**

The employee is in terms of COIDA responsible to-



- 
- 2.2.1 report an accident or disease to his/her supervisor (employer) immediately (see Part 4 for procedure), who in turn must report it to the relevant component, which administers COIDA. The report could either be verbal or in writing. If the employee fails to report an accident within 12 months after the date of an accident, possible benefits payable in terms of COIDA will be forfeited;
  - 2.2.2 ensure that his/her name(s) is(are) correctly and legibly spelled on the relevant forms;
  - 2.2.3 update his/her residential and postal address as and when necessary;
  - 2.2.4 furnish **all relevant documents** needed to process and assess his/her claim, e.g. a copy of ID Document; and
  - 2.2.5 fully co-operate with the employer by submitting the relevant medical reports and any other required information.

### 2.3 **GENERAL RESPONSIBILITIES OF THE COMPENSATION COMMISSIONER**

The Compensation Commissioner is in terms of COIDA responsible to-

- 2.3.1 register employers and issue a registration number for identification purpose;

**NOTE**

**The employer's registration number allocated must be reflected on all claims reported.**

- 2.3.2 register and allocate a claim number for every claim;
- 2.3.3 request any other information/documents needed to process a claim;
- 2.3.4 issue directives to employers to pay compensation to employees;
- 2.3.5 administer claims;
- 2.3.6 provide training to all exempted employers responsible for the application of COIDA; and
- 2.3.7 provide a list annually to employers of all claims registered with Compensation Commissioner.



---

## 2.4 GENERAL RESPONSIBILITIES OF NATIONAL TREASURY (PENSIONS ADMINISTRATION)

### NOTE

Compensation, i.e. pensions and lump sum can only be paid on an instruction by the Commissioner. The instruction is in the form of an award and will be submitted, through the employer for completion, to the National Treasury.

Pensions Administration is responsible to-

- 2.4.1 activate payment of compensation payable in terms of COIDA;
- 2.4.2 budget and pay compensation to all employees in the National Departments, Provincial Departments and Provincial Administrations and Organisational Components if liability of the claim is accepted. To activate these payments, all particulars of the beneficiaries must be completed as requested on the reverse side of the award;
- 2.4.3 re-open and pay medical accounts after termination of service; and
- 2.4.4 attend to inquiries regarding payments of compensation.

## 3 FINANCIAL LIABILITIES OF ROLEPLAYERS

### 3.1 FINANCIAL LIABILITIES OF THE EMPLOYERS IN THE NATIONAL DEPARTMENTS

The employer is in terms of COIDA responsible for the payment of-

- 3.1.1 administrative costs to the Compensation Commissioner for every claim reported as contemplated in section 88 of COIDA. For this purpose the-
  - (a) Commissioner will determine the average cost per claim and furnish the employer with a statement indicating the amount payable to the Commissioner; and
  - (b) employer must keep record of all claims for verification purposes, as the Commissioner will provide the employer with a printout of all claims that were reported every year;
- 3.1.2 compensation to an employee during temporary disablement. This means full salary is paid for the period which an employee is unfit to perform normal duty;



- 
- 3.1.3 reasonable burial expenses as determined by the Compensation Commissioner annually; and
- 3.1.4 reasonable actual travelling and/ or accommodation expenses to employees who are required to undergo special medical examinations at the request of the Compensation Commissioner.

**NOTE**

**Please refer to Part 5 for further details on the benefits/expenses payable to an employee.**

**3.2 FINANCIAL LIABILITIES OF THE EMPLOYERS IN THE PROVINCIAL DEPARTMENTS**

Provincial Administrations and Provincial Departments are similarly responsible for the financial liabilities applicable to National Departments set out above. See paragraph 3.1 above. In addition Provincial Administration and Provincial Departments are also liable for the payment of reasonable medical expenses for employees. These medical expenses are payable according to the applicable prescribed tariffs at the time of accident.

**3.3 FINANCIAL LIABILITIES OF THE DEPARTMENT OF LABOUR**

The Department of Labour is responsible for the payment of medical expenses in respect of employees of National Departments according to the applicable prescribed tariffs as at the time of accident.

**3.4 FINANCIAL LIABILITIES OF NATIONAL TREASURY (PENSIONS ADMINISTRATION)**

3.4.1 Since the employer does not pay any assessments towards the Compensation Fund, the Compensation Commissioner is not liable for the payment of any benefits in respect of Public Service employees. The compensation for Public Service employees is therefore paid from the budget vote based in Pensions Administration, National Treasury.

3.4.2 Pensions Administration is thus responsible for the payment of the following:

- (a) Compensation for lump sum payments in respect of permanent disability.
- (b) Compensation for monthly pension.



- 
- (c) Compensation for dependants.
  - (d) Yearly increases for monthly pensions paid (section 57).
  - (e) Administrative costs determined by the Compensation Commissioner (section 88).
  - (f) Approved commutation by the Compensation Commissioner (section 52).
  - (g) Increased compensation approved by the Compensation Commissioner (section 56).
  - (h) Constant attendance allowance approved by Compensation Commissioner (section 28).
  - (i) Payment of medical expenses for employees after been boarded due to injuries on duty or occupational diseases.

### **REMEMBER!**

**The Compensation Commissioner is not liable for the payment of any benefits in respect of Public Service employees, since the employer does not pay any assessments towards the Compensation Fund. National Treasury (Pensions Administration) pays the compensation for Public Service employees.**

## **4 RE-OPENING OF CLAIMS**

- 4.1 An employee who requires further medical treatment after a claim has been finalised should submit an application to the Compensation Commissioner through his/her employer. For this purpose, the employee must submit a medical report from the doctor at his/her own expense. The medical report must indicate the following information:
  - 4.1.1 The employee's current medical condition as a result of the accident.
  - 4.1.2 The relation between the previous injuries and current medical condition as a result of the accident.
  - 4.1.3 The medical treatment envisaged for the deteriorated medical condition and how it will reduce permanent disablement.



- 
- 4.2 The Compensation Commissioner will consider the application and issue a directive to the employer/or Pensions Administration on its liability for the payment of further medical treatment.



---

## **PART 4: PROCEDURES**

### **NOTE**

**Before any form is submitted to the Compensation Commissioner, every employer must verify the claim, check all information/documents to be completed and furnish all original relevant forms together with an ID copy of the employee to enable the Commissioner to adjudicate upon liability of the claim.**

## **1 PROCEDURE TO REGISTER AS AN EMPLOYER**

1.1 The employer must complete the Registration Form W.AS 2 with full particulars and forward it to the Compensation Commissioner after the first employee is employed.

1.2 Registration forms could be send/delivered to/at the Compensation Commissioner at the following address(es):

### **1.2.1 The postal address:**

P O Box 955  
Pretoria  
0001

### **1.2.2 The physical address:**

Compensation House  
corner Soutpansberg and Hamilton streets  
Arcadia  
Pretoria  
0001

1.3 The Commissioner will register the employer and issue a unique registration number for every employer.

### **NOTE**

**The employer's registration number allocated must be reflected on all claims reported.**



---

## 2 **PROCEDURE FOR THE EMPLOYEE TO REPORT ACCIDENTS/DISEASES**

- 2.1 If an employee sustained an accident, he/she should complete the Claim for Compensation Report (W CL.3) immediately and forward it to the employer. The employee should attach a copy of his/her ID to the report.
- 2.2 When the employee contracted an occupational disease, he/she must complete the Claim for Compensation for Occupational Disease (W CL.14) immediately after having learnt of the disease and forward it to the employer/Compensation Commissioner. The employee should attach a copy of his/her ID to the report

## 3 **PROCEDURE FOR THE MEDICAL PRACTITIONER TO COMPLETE MEDICAL REPORTS/FORMS**

### **NOTE**

**Medical reports must be submitted to the employer for verification of the spelling of names before submitting them to the Compensation Commissioner. The employer must also ensure that the medical reports are correct and are accompanied by the letterhead of the Department, before forwarding them to the Compensation Commissioner.**

- 3.1 The medical practitioner must in the case of occupational injuries completed the following forms/reports:
  - 3.1.1 First Medical Report for Occupational Injury (W CL 4)
  - 3.1.2 Progress/Final Medical Report when the condition has stabilised (W CL 5)
  - 3.1.3 Other relevant reports that may be needed, e.g.
    - (a) Hand Report of Injuries, (W CL 31)
    - (b) Eye Report, (W CL 52)
    - (c) Foot Report, (W CL 221), etc.
- 3.2 The medical practitioner must in the case of occupational diseases complete the following forms/reports:
  - 3.2.1 First Medical Report for Occupational Disease (W CL 22)
  - 3.2.2 Progress/Final Report for Occupational Disease (W CL 26)



3.2.3 Other medical reports or diagnostic tests that may be needed to support the claim i.e. diagnostic audiograms, x-ray plates and reports and biopsy results, e.g.

- (a) Industrial History (W CL 110)
- (b) First Medical Report in Respect of a Work Related Upper Limb Disorder (W CL 301)
- (c) Progress/Final Medical Report in Respect of a Work-Related Upper Limb Disorder (W CL 302)

#### 4 **PROCEDURE FOR THE EMPLOYER TO REPORT ACCIDENTS/DISEASES**

##### **NOTE**

**All forms submitted to the Compensation Commissioner should be on the letterhead of the department concerned, duly completed and signed, indicating the claim number, if available.**

**Please also take note that if an accident is not reported within 7 days from the date of an accident or within 14 days after having learnt of an occupational disease, the employer can be guilty of an offence.**

4.1 The employer/supervisor must complete the Employer's Report of Accident (W CL 2) or the Employer's Report of Occupational Disease (W CL 1) immediately after having learnt of the accident/disease. In both cases, the employer's report should be accompanied by a covering letter from the Department. The latter must be accompanied with a copy of the relevant employee's ID and the relevant medical reports to enable the Commissioner to issue a claim number and adjudicate upon liability.

##### 4.2 **Fatal accidents/disease:**

If an employee died as a result of an accident/disease, the following forms/reports must be submitted:

- 4.2.1 Employer's Report of an Accident (W CL 2) or Employer's Report of Occupational Disease (W CL 1)
- 4.2.2 Notice of Claim for Compensation (W CL 3) or Notice of Claim for Occupational Disease (W CL 14)
- 4.2.3 Claim by a dependant widow/widower (W CL 32)
- 4.2.4 Birth certificate for all the children under the age of 18;



---

4.2.5 Marriage certificate, or if there was no legal marriage, sworn statements by the widow/widower and a person in authority, e.g. tribal chief, headman, counsellor, magistrate, etc, that the claimant was a husband/wife of the deceased and that she/he was dependent on him/her for the necessities of life.

4.2.6 Death certificate indicating the cause of death. If the cause of death is not indicated, a post mortem report must be submitted.

## 5 PROCEDURE FOR THE EMPLOYERS TO PAY ADMINISTRATIVE COSTS

5.1 All employers must pay administrative costs for claims reported to the Compensation Commissioner. The Commissioner will inform the employer of the claims reported in that particular year by means of a control list to enable the employer to verify/confirm all applicable claims.

5.2 Once the employer verified/confirmed all the claims on the list, it must be returned **within two months** to the Compensation Commissioner.

5.3 The Commissioner will determine the average cost per claim and issue a statement indicating the amount payable to the Compensation Commissioner.

## 6 PROCEDURE FOR THE EMPLOYER TO COMPLETE DOCUMENTS TO ACTIVATE PAYMENTS OF BENEFITS

6.1 When liability for the payment of compensation has been accepted and the employee suffered permanent disablement, the Commissioner will issue a Notice of Award (W CL16) indicating the beneficiary's name, address and payment particulars. The Compensation Commissioner will forward a copy of this award to the employee concerned.

6.2 The original award will be sent to the employer who must complete the particulars on the reverse side and submit it to Pensions Administration for payment. Pensions Administration as well as the employer will also receive copies of the award.

6.3 The employer must ensure that forms Z894 and Z864 are also completed and submitted to Pensions Administration. (These forms are available from Pensions Administration). **Note that payment will only be activated on original documents issued by the Compensation Commissioner.**

## 7 PROCEDURE FOR NATIONAL TREASURY (PENSIONS ADMINISTRATION) TO ACTIVATE PAYMENTS

Pensions Administration will on receipt of the completed W.CL 16, Z894 and Z864 activate the payment of compensation/benefits due to the employee.



### **NOTE**

**Any inquiries regarding these payments should be addressed to National Treasury (Pensions Administration)**

## **8 PROCEDURE TO CLAIM CONTINUATION OF MONTHLY PENSION AFTER THE AGE OF 18**

### **NOTE**

**The Compensation Commissioner can continue to pay a monthly pension for a child beyond the age of 18 provided that the child is still busy with school, tertiary education or a person who is disabled at the time of the accident dependant upon the deceased for the necessities of life.**

8.1 In terms of COIDA, a child is entitled to a monthly pension up to the age of 18. If the child is disabled, still at school or attending a tertiary institution, a written application can be forwarded to Pensions Administration or Compensation Commissioner with the following information:

- 8.1.1 A letter from the institution confirming the child's enrolment with the institution;
- 8.1.2 A statement of result of the subject passed in the previous year of study;
- 8.1.3 Sworn statements by the claimant confirming that the child is still under his/her care.

## **9 PROCEDURE TO CLAIM FOR CONSTANT ATTENDANCE ALLOWANCE**

An employee, who sustained an injury to such an extent that he/she requires constant assistance from another person for the necessities of life, can apply for such assistance in terms of COIDA. The employee should for this purpose complete the necessary application form, which should be forwarded to the Compensation Commissioner for consideration. Copies of this application form could be obtained from the Compensation Commissioner or Labour centres.



---

## 10 PROCEDURE TO APPLY FOR ADDITIONAL COMPENSATION (SECTION 56)

### **IMPORTANT**

**Departments should consult the State Attorney when an application for additional/increased compensation is submitted. The State Attorney represents the employer in these cases.**

**Employees must refrain from abusing/misusing section 56 to gain more compensation.**

10.1 An employee who has been injured in the cause and scope of his/her employment can claim additional compensation if the accident is due to the following:

10.1.1 Negligence of the employer.

10.1.2 Patent defect used in the business.

10.1.3 A responsible person/persons has/have knowingly or negligently caused or fail to remedy such a defect.

10.2 An application for an increased compensation can be made under the following circumstances:

10.2.1 If an employee has sustained an injury on duty and or within the course and scope of his/her employment, resulting in Permanent Disablement and or Death.

10.2.2 And that the Compensation Commissioner has accepted liability for compensation.

10.3 The employee, once liability has been accepted and has proof that the employer was negligent, he /she may then apply for an increased compensation using the prescribed form (Form W.G.30) issued by the Compensation Commissioner.

10.4 In the prescribed form as indicated above, the employee must state the basis on which he/she is applying for an increased compensation. This application must be lodged with the Compensation Commissioner within 24 months from the date of an accident/incident.

10.5 The following procedure must be followed to make such an application:



---

10.5.1 The employee must fill in Form W.G.30 stating the basis on which his/her application is based on. The employee/dependants must indicate in the application that at the time of the alleged accident/incident and or death there was negligence on the part of the employer.

10.5.2 Form W.G.30 must then be sent to the Compensation Commissioner's office. On receipt of this form, the Compensation Commissioner will check whether it has been properly filled in and that it is within the prescribed period in terms of COIDA. If the Compensation Commissioner is satisfied that the application complies with the prescribed procedures, the form will be forwarded to the employer for a response.

10.6 On receipt of the employer's response, the Compensation Commissioner will assess the merits of the case and decides on accepting/declining the application.

10.6.1 If the Compensation Commissioner accepts the application, the necessary compensation will be granted.

10.6.2 If the application is declined, the case will then be set down for trial in accordance with the prescribed procedures.

## **11 PROCEDURE TO RECOVER COMPENSATION PAID TO THE EMPLOYEE FROM A THIRD PARTY**

### **11.1 PROCEDURE FOR THE EMPLOYEE TO INSTITUTE A CLAIM**

11.1.1 If an employee was injured on duty or contracted a disease in respect of which compensation is payable, and such occupational injury/disease was caused by some person other than the employee's employer, i.e. a third party being liable for damages in respect of such injury or disease. The employee in these circumstances has the right to claim compensation according to the Act. S/he may also institute action for damages in a court of law against the third party to recover damages.

11.1.2 However, the employer has the right to interfere in the above-mentioned proceedings for the recovery of all payments made or likely to be made under the provisions of COIDA. In instances where the employee/dependant fails to institute proceedings referred to above, the employer has the right to take action within a period of three (3) years by instituting a claim on its own accord.

11.1.3 If the employee intends to institute action for damages against the third party, he/she must notify the employer in writing of his/her intention to do so. An employee should also notify the employer if he/she intends to abandon the proceedings or to settle his/her claims for damages.



---

## **11.2 PROCEDURE FOR THE EMPLOYER TO INSTITUTE A CLAIM**

11.2.1 In all matters where the State, as employer, has in terms of Section 36 of COIDA the right of recovery from a third party, the State Attorney should be instructed to take the necessary steps.

11.2.2 In instances where the employee does not want to co-operate and/or approve of this, the State Attorney should be informed accordingly. To this end, it should be noted that the employee is not obliged to co-operate or to assist the employer in instituting such a claim.

11.2.3 However, just as the State Attorney being instructed by the employer to take the necessary steps, the State Attorney could subpoena the employee to testify before the court of law if that will assist the employer to prove its case. The employee will then be forced through the subpoena to attend the court.

## **12 PROCEDURE TO OBJECT AGAINST THE DECISIONS BY THE COMMISSIONER (SECTION 91)**

12.1 Any person being affected by the decision of the Compensation Commissioner can object within 180 days from the date of that decision. For this purpose, the form Objection Against a Decision (W G 29) must be completed and submitted to the employer for submission to the Compensation Commissioner.

12.2 The panel will review the objection. If the objection is not successful, a hearing headed by the presiding officer and two assessors, one representing the employer and the other the employee, appointed by the Minister of Labour, will take place. During the hearing all relevant facts/evidence will be taken into consideration. If the objector is still not satisfied with the outcome, he/she can appeal to the High Court for a decision.

## **13 PROCEDURE TO DISPOSE OF UNCLAIMED MONIES (REGULATION 9 ISSUED IN TERMS OF COIDA)**

13.1 All monies payable to any person in terms of COIDA should be paid as soon as possible after the date upon which they have become due.

13.2 Any unclaimed monies should be reported quarterly and refunded to the Compensation Commissioner in the event where-

13.2.1 the employer is unable to locate the employee who should receive such payments and

13.2.2 such monies remain unclaimed after 12 months have elapsed from the date upon which they became payable.



---

13.3 For this purpose the employer should compile a letter to the Compensation Commissioner containing the beneficiary's name, claim number; date on which the compensation was awarded together with the amount so that the Compensation Commissioner could publish an advertisement in this regard in the Government Gazette.

14 **PROCEDURE FOR EMPLOYEES EMPLOYED OUTSIDE THE COUNTRY (SECTION 23)**

An employee who will be stationed abroad for a continuous period of 12 months must enter into an agreement before departure with the employer. For this purpose, he/she should complete the form "Application to Stay Longer than 12 Months Outside the Republic of South Africa" (W CL 94) in triplicate, duly signed and dated. The form must be submitted to the Compensation Commissioner for approval in triplicate. One copy will be kept for record purposes at the Compensation Commissioner's Office and the other two copies will be returned to the employer.



---

## **PART 5: BENEFITS PAYABLE**

### **NOTE**

**Please note that benefits payable in terms of COIDA do not have any bearing on the normal pension benefits in terms of the GEPF. National Treasury (Pensions Administration) is responsible for the administration of both sets of benefits. In other words an employee receives normal pension as well as COIDA benefits.**

## **1 LEAVE FOR OCCUPATIONAL INJURIES AND DISEASES (TEMPORARY TOTAL DISABLEMENT)**

- 1.1 An employee who, as a result of his/her work, sustained an occupational injury or contracted an occupational disease, must be granted occupational and disease leave for the duration of the period they cannot work in terms of the provisions contained in *the Directive on Leave of Absence in the Public Service*, read with the applicable collective agreements.
- 1.2 The employer is obliged to manage and control the leave so granted by means of requesting regular/monthly progress reports of the occupational injuries/diseases sustained/contracted. These reports must be submitted to the Compensation Commissioner to evaluate and consider payment of medical expenses, and also to determine permanent disability, if any. In the event where the employee's absence is longer than 18 months, the Compensation Commissioner's approval is required for further payment.
- 1.3 It is important that departments manage these sickness absences to prevent abuse. However, should departments require any assistance/advice in this regard, the offices of the Compensation Commissioner could be approached for assistance. If further medical treatment is required after the claim has been finalized, please refer to par 6 of Part 1 for the re-opening of claims.

## **2 PERMANENT DISABLEMENT**

### **NOTE**

**The calculation of benefits is based on the earnings of the employee at the time of accident. Annual increases of monthly pensions could change the amount of compensation payable. Payments of these benefits are made by National Treasury.**



---

2.1 Permanent disablement is determined by the Commissioner based on medical reports describing all anatomical deficits and/or impairment of functions suffered as a result of accidents.

**2.2 COMPENSATION FOR PERMANENT DISABLEMENT WHERE THE DEGREE OF DISABLEMENT IS 30% OR LESS**

2.2.1 Compensation for permanent disablement where the degree of disablement is 30% or less takes the form of a lump sum. For example, 15 X employee's monthly earnings up to the present maximum of R7830.00 X 30% Permanent Disablement is therefore R117450.00.

2.2.2 Where disablement is less than 30% the lump sum is calculated proportionally, for example 15 X the employee's salary, in this case R3000 p. m., who suffered 19% permanent disablement the calculation will be as follows:  $15 \times R3000 \times 19 \div 30 = R28500.00$   
lump sum payment

**2.3 COMPENSATION FOR PERMANENT DISABLEMENT WHERE THE DEGREE OF DISABLEMENT IS 31% OR MORE**

2.3.1 If the degree of permanent disablement is 31% or more, compensation takes the form of a monthly pension. The pension for total permanent disablement 100% is calculated at the rate of 75% of the monthly earnings up to the maximum applicable for that year of accident.

2.3.2 If an employee's permanent disablement is less than 100%, a pension is calculated proportionally. For example, if an employee suffers 50% permanent disablement and his salary is R2400 p. m. his monthly pension will be calculated as follows:

$$75\% \times \text{salary of R2400} = R1800$$

Employee suffers 50% permanent disablement 50% of R1800

$$\text{Monthly pension} = R900$$

2.3.3 The Compensation Fund prepares the award and sends it to the employer.

**3 CONSTANT ATTENDANCE ALLOWANCE**

If an employee sustained a severe injury to such an extent that he/she needs constant assistance of another person to perform his/her normal duties, he/she can apply for a constant attendance allowance. The calculation of such an award is based on the monthly pension awarded by the Compensation Commissioner.



---

## 4 FATAL CASES: PAYMENT TO DEPENDANTS

4.1 The widow or widower of the employee concerned is entitled to the payment of-

4.1.1 a lump sum equivalent of two times the monthly pension payable to which the employee would have been entitled to if 100% disabled; and

4.1.2 a pension equivalent to 40% of the pension to which the employee would have been entitled, if 100% disabled.

4.2 Each child under 18 years of age is entitled to a monthly pension equal to 20% of the pension which would have been payable to the employee if 100% disabled, provided that the total pension payable to the widow or widower and children does not exceed the amount that would have been payable to the employee if 100% disabled. For example, if the employee has died as a result of an injury and his/her salary was R3200 per month, the widow or widower will receive the following pension:

$75\% \times 100 \times R3200$  (salary)

= R2400 (100% P D)

$40\% \times 100 \times 2400$

= R960 monthly pension to widow / widower

In the same case a child will receive the following:

$75\% \times 100 \times R3200$  (salary)

= R2400 (100% P D)

$20\% \times 100 \times 2400$

= R480 monthly pension to child under the age of 18

4.3 On remarriage, the widow's or widower's monthly pension continues and only ceases on his/her death. A child's pension continues until the age of 18, or until death or marriage before the age of 18 years, except where such child is unable to earn an income owing to a physical or mental disability. If the child is still at school, tertiary institution or physical or mentally disabled, a written application can be forwarded to Pensions Administration or Compensation Commissioner for approval.

4.4 Annual increases of monthly pensions and benefits can change the compensation payable.



---

## 5 PAYMENT OF MEDICAL EXPENSES

- 5.1 The Department of Labour budgets for the medical expenses that might arise from claims in terms of COIDA in respect of National Departments. This means that the Department of Labour is liable for the payment and control of all reasonable medical expenses. Medical accounts must therefore be submitted to the Compensation Commissioner for payment on behalf of the Department of Labour.
- 5.2 Provincial Administrations and Provincial Departments, however, budget for and are liable for the payment of the reasonable medical expenses that might arise from claims in terms of COIDA. Therefore no medical accounts should be submitted to the Compensation Commissioner. However, the Compensation Commissioner could be approached for assistance regarding the interpretation and assessments of medical accounts.

## 6 BURIAL EXPENSES

All employers must budget and pay for such reasonable burial expenses as determined by the Compensation Commissioner annually.

## 7 TRANSPORTATION OF AN INJURED EMPLOYEE

- 7.1 The employer should either provide transport for or reimburse the actual reasonable travel expenses incurred in respect of transport -
- 7.1.1 from the place where the employee **sustained the injury** to the hospital or the medical practitioner **or** from the hospital or medical practitioner to his or her residence; and
  - 7.1.2 to a specific medical examination required by the Compensation Commissioner in terms of sec. 42 of COIDA.
- 7.2 Departments are advised to provide for the above-mentioned journeys in terms of their departmental policies in accordance with Part XI of PSCBC Res. 3 of 1999. It therefore follows that departments should provide for these expenses on their departmental budget allocations.

## 8 ACCOMMODATION EXPENDITURE

- 8.1 **There is no provision for the payment of accommodation expenses in terms of COIDA.** Departments should likewise provide for the above-mentioned expenses in their departmental policies on accommodation expenditure in accordance with Part XII of PSCBC Res. 3 of 1999. Departments should thus similarly provide for this accommodation expenditure on their departmental budget allocations.



---

## **PART 6: APPLICABLE FORMS IN THE ANNEXURE**

### **EMPLOYER'S REGISTRATION**

- 1.1. W AS2 Employer's Registration Form

### **EMPLOYER'S REPORTS: ACCIDENTS**

- 1.2. W CL.1 Employer's Report of Occupational Disease  
1.3. W CL. 2 Employer's Report of an Accident  
1.4. W CL. 6 Resumption of Duty Report  
1.5. W CL. 69 Claim for Subsistence and travelling expenses  
1.6. W St. 18 Statistic form

### **EMPLOYER'S REPORTS: OCCUPATIONAL DISEASES**

- 1.7. W CL. 1 Employer's Report of an Occupational Disease  
1.8. W CL. 110 Industrial History

### **DOCTORS REPORTS: OCCUPATIONAL INJURIES AND DISEASES**

- 1.9. W CL. 4 First Medical Report in respect of an Accident  
1.10. W CL. 5 Progress/Final Medical Report  
1.11. W CL. 31 Supplementary Report on Injury to Hand  
1.12. W CL. 52 Final Report: Eye Injuries  
1.13. W CL. 221 Supplementary Report on Injury to Foot  
1.14. W CL. 20 Enquiry in respect of Unpaid Medical/Chemist Account  
1.15. W CL.22 First Medical Report in respect of an Occupational Disease  
1.16. W CL. 26 Progress/Final Medical Report in respect of an Occupational Disease  
1.17. W CL. 53 Dermatological Report



---

## **EMPLOYEE'S/DEPENDANT'S REPORT**

- 1.18. W CL.3 Notice of an Accident and Claim for Compensation
- 1.19. WCL.14 Notice of an Occupational Disease and Claim for Compensation
- 1.20. W CL.32 Declaration by Dependant/Widow/Widower
- 1.21. W CL.46 Burial Expenses Account
- 1.22. W CL.132 Affidavit by an Employee

### **NOTE**

**ALL THE ABOVE MENTIONED FORMS ARE AVAILABLE AT THE OFFICES OF THE COMPENSATION COMMISSIONER, PROVINCIAL OFFICES OF THE DEPARTMENT OF LABOUR AND LABOUR CENTRES.**



## PART 7: USEFUL INFORMATION

### 1 ASSISTANCE WITH MATTERS RELATED TO COIDA

- 1.1 The Compensation Commissioner or any regional offices of the Department of Labour may be contacted for any information and assistance regarding matters related to the scope of COIDA.
- 1.2 Any claim related inquiries can be addressed to the COIDA Assistant Managers: Department of Labour in the respective 10 Provinces (Gauteng North and South) Their contact details are as follows:

Province	Telephone Number	Address
Eastern Cape	(043) 701 3297	3 Hill Street East London
Free State	(051) 505 6201	National House, 43 Maitland Street Bloemfontein
Gauteng: North	(012) 320 2367	Frans Du Toit Building, Cnr Schoeman & Paul Kruger Streets Pretoria
Gauteng: South	(011) 497 3136	Annuity House 18 Rissik Street Johannesburg
KwaZulu-Natal	(031) 336 1655	Masonic Avenue Building Masonic Avenue Durban
Limpopo	(015) 290 1695	Boland Bank Building, 42A Schoeman Street, Polokwane
Mpumalanga	(013) 655 8737	Labour Building



---

		Cnr Beanty & Hofmeyer Streets Witbank
Northern Cape	(053) 838 1500	Laboria House Cnr Compound & Pniel Streets Kimberley
North West	(018) 387 8100	Provident House 3 <sup>rd</sup> floor, University Drive Mmabatho
Western Cape	(021) 460 5014	Thomas Boydel Building 22 Parade Street Cape Town

1.3 Forms, pamphlets, etc. are also available free of charge at the Compensation Commissioner, Department of Labour and the Regional Offices of the Department of Labour.

## 2 OTHER INFORMATION

The rates determined by the Compensation Commissioner in respect of medical fees, as well as other useful information related to injuries on duty and occupational diseases, etc, could be obtained from the Compensation Commissioner's web page at [www.labour.gov.za](http://www.labour.gov.za).