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# COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993, AMENDED IN 1997

20 August 2020





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# MANDATE

## Constitutional Mandate:

- ❖ Section 27(1)(c) – Everyone has a right to have access to social security, including, if they are unable to support themselves and their dependents, appropriate social assistance
- ❖ Section 27(2)– The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.

## Legislative Mandate:

- ❖ Section 15(1) of the Compensation for Occupational Injuries and Diseases Act no. 130/ 1993 as amended by the COIDA 61/1997 provide for the establishment of the Compensation Fund
- ❖ Section 18(1) of the Compensation for Occupational Injuries and Diseases Act no. 130/ 1993 as amended by the COIDA 61/1997 provide that the Director-General of the Department of Labour is the Accounting Officer of the Compensation Fund



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# MISSION OF THE COMPENSATION FUND

**To compensate employees for disablement caused by occupational injuries sustained and or diseases contracted in the course of employment or their dependents for death resulting from such injuries and or diseases and to pay reasonable medical expenses incurred**



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# MUTUAL ASSOCIATIONS

- **Rand Mutual Assurance Company Ltd**
  - Class 4 (mining sector) and Class 13 for Iron, Steel, Engineering, Galvanising, Artificial Limbs and Garages
- **Federated Employers Mutual Assurance (FEMA)**
  - Class 5 (Building and construction sector)

8/18/2020



# COMPENSATION CYCLE





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# REPORTING OF ACCIDENTS

Most of the accidents and or diseases are report very late by employers

As a Fund, we have been inundated with lots of enquiries from Medical Service Providers on unreported claims, in some cases, we have been litigated against by doctors and hospital groups.

Accidents must be reported to the Fund within 7 days

Occupational Diseases must be reported to the Fund within 14 days





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# RESPONSIBILITIES OF AN EMPLOYEE

- Report the accident to the employer immediately
- Furnish all relevant documentation, e.g. copy of ID
- Submit himself for medical examination and treatment by the doctor of his choice
- Make follow up of his claim with the employer
- Unions should assist employee where necessary





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# RESPONSIBILITIES OF EMPLOYER

- Must register with the Compensation Fund in terms of section 80
- Must keep records for 4 years in terms of section 81
- Must report all accidents or occupational diseases in terms of section 39 and 68 respectively within prescribed period
- Accident reporting is an automated process and the employer must register for this functionality





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# CONTRACTORS AND SUB- CONTRACTORS

- Contractor or sub contractors to register with the Fund and pay assessment
- Failure to comply with the COID Act by the sub contractor will make the mandator or contractor to be responsible for any claims from the sub contractor's employees
- The contractor may recover such payments direct from the sub contractor



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# MANAGEMENT OF LEAVE

- Employee to be granted special sick leave with pay
- Monthly progress medical reports to be submitted by the employee to employer
- Unaccepted cases will result in the employee using normal leave in line with leave policy



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# MEDICAL PROVIDER'S ROLE

- Examine and treat the employee
- Give full clinical description of the injuries sustained by the employee on the First Medical Report
- Complete progress Medical Report
- Complete Final Medical Report once the employee's conditions have stabilised
- Compile applications for re-opening of claims



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# COIDA BENEFITS

- Special Sick Leave with 75% pay
- Lump sum payment for PD up to 30%
- Monthly Pension for PD from 31% to 100 %
- Monthly Pension to Widow/widower for life
- Monthly pension to Children till 18 years
- Reasonable Medical expenses paid by the Department of Labour for National Departments



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COVID 19





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# Employer challenges

- **Not registering claims**
- **Not adhering to gazette issued on 23 March 2020**
- **Outstanding information delay adjudication and finalization of claims**
  - *Employers Report for Occupational disease WCL 1*
  - *Notice of an occupational disease and claim WCL 14*
  - *Exposure and Medical questionnaire*
  - *First medical report WCL 22 Indicating ICD 10 code U07.1*
  - *Work exposure history WCL 110 and any other history that may be required by the Compensation Commissioner*
  - *Medical report on employees symptoms that details the history and establishes a diagnoses of*
  - *Covid 19 as well as confirmed laboratory results .*
  - *Progress medical report WCL 26 for each consultation*
  - *Final medical report*



# Progress UPDATE: COVID-19 CLAIMS – Compensation FUND – 20/08/2020

## COVID-19 CLAIMS RECEIVED TO DATE: COMPENSATION FUND

PROVINCE	RECEIVED	LIABILITY ACCEPTED	LIABILITY REPUDIATED	PENDING ADJUDICATION	F	M
KZN	225	111	19	95	176	49
WC	1847	1370	300	177	1447	400
GP	398	178	104	116	332	66
MP	65	40	5	20	48	17
EC	666	375	9	282	506	160
LP	3	1	2	0	3	0
NW	29	20	3	6	20	9
NC	7	2	1	4	3	4
TOTAL	3240	2097	443	700	2535	705
Percentage	100%	64.7%	13.7%	21.6%	78.2%	21.8%







# Progress UPDATE: COVID-19 CLAIMS – Compensation FUND – 20/08/2020

## MUTUAL ASSOCIATION COVID-19 CLAIMS – RAND MUTUAL

PROVINCE	RECEIVED	LIABILITY ACCEPTED	LIABILITY REPUDIATED	PENDING ADJUDICATION	F	M
KZN	71	1	1	69	13	58
WC	60	0	14	46	10	50
GP	1122	0	169	953	283	839
EC	147	3	25	119	24	123
NW	35	0	3	32	9	26
FS	25	0	4	21	12	13
LP	21	0	0	21	4	17
Unknown	58	0	0	58	25	33
TOTAL	1539	4	216	1319	380	1159
Percentage	100%	0.3%	14%	85.7%	24.7%	75.3%





# Progress UPDATE: COVID-19 CLAIMS – Compensation FUND – 20/08/2020

## MUTUAL ASSOCIATION COVID-19 CLAIMS – FEDERATED EMPLOYERS

PROVINCE	RECEIVED	LIABILITY ACCEPTED	LIABILITY REPUDIATED	PENDING ADJUDICATION	F	M
KZN	8	1	3	4	1	7
WC	28	15	12	1	4	24
GP	66	16	27	23	10	56
NW	9	0	6	3	1	8
EC	11	3	7	1	2	9
LP	0	0	0	0	0	0
FS	4	0	3	1	0	4
NC	9	8	1	0	0	9
MP	2	0	2	0	0	2
TOTAL	137	43	61	33	18	119
Percentage	100%	31.4%	44.5%	24.1%	13.1%	86.9%





# Progress UPDATE: COVID-19 CLAIMS – Compensation FUND – 20/08/2020

## BENEFITS PAID TO DATE – IN RANDS

ORGANISATION	TOTAL CLAIMS	TTD	PD LUMPSUM	PD PENSION	MEDICAL AID	FUNERAL COSTS	DEPENDENTS BENEFITS
Compensation Fund	3240	0	0	0	419 182, 85	0	0
Rand Mutual	1539	13,226.78	51,477.53	0	0	18,251.00	R3,257,858.12
Federated Employers	137	0	0	0	0	0	0
<b>TOTAL</b>	<b>4916</b>	<b>13,226.78</b>	<b>51,477.53</b>	<b>0</b>	<b>1,040,538.05</b>	<b>18,251.00</b>	<b>R3,257,858.12</b>
Percentage	100%	0%	0%	0%	0%	0%	0%



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# Claims Submission

## Compensation fund :

CompEasy

[Covid19claims@labour.gov.za](mailto:Covid19claims@labour.gov.za)

## Rand mutual :

CompCare

[Contactcenter@randmutual.co.za](mailto:Contactcenter@randmutual.co.za)

## FEM

IMS

[Femregistry@fem.co.za](mailto:Femregistry@fem.co.za)





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# Medical service provider expectations

- Submit invoices once liability has been excepted
- Provide medical reports and laboratory results to assist with benefit payment and finalization of claims
- Assist the employee and employer with questionnaire completion.

# WAY FORWARD

- ✓ Compliance
  - ✓ Employer
  - ✓ Employee
  - ✓ MSP
- ✓ Direction 43540 gazetted on 23 July 2020.



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Thank you

