

# COMPENSATION COMMISSIONER



## APPLICATION OF THE ACT

In terms of the Compensation for Occupational Injuries and Diseases Act (COIDA) of 1993, an employee is defined as any person who has entered into a contract of service with an employer. The service contract can be in writing, expressed or implied and applies to temporary, permanent and under-aged workers and is defined in section 1 of the Act. The Act is however, not applicable to domestic employees working in private households. An employer, on the other hand, is any person including the State, who employs an employee.

## WHAT IS AN OCCUPATIONAL INJURY (ACCIDENT)

It is an occurrence of which a date, time and place can be determined that arises out of and in the course of an employee's employment and resulting in personal injury.

## WHICH OCCUPATIONAL INJURIES (ACCIDENT) MUST BE REPORTED?

All occupational injuries or alleged occupational injuries that entail medical expenses and/or absence from work for more than three days must be reported within seven days in the prescribed manner. The delay to report an accident or alleged accident is a criminal offence. The Commissioner may also impose a penalty on the employer, which could be the full amount of the claim.

## WHO MUST REGISTER?

All persons who employ one or more persons in connection with their business or farming activities are required to register and to pay annual assessments to the Compensation Fund. These amounts may not be recovered from employees. A separate registration is necessary for each separate branch of a business unless an arrangement for combined registration has been made.

## THE REVENUE OF THE COMPENSATION FUND

The revenue of the Compensation Fund consists mainly of annual assessments paid by the registered employers on a basis of a percentage or fixed rate of the annual earnings of their employees. The Act however, makes provision for a minimum assessment to ensure that the assessment is not less than the administration costs.

At the end of January each year, statements of earnings forms are sent to all the registered employers. These forms must be completed and returned not later than 31 March. The financial year of the Compensation Fund runs from the 1 March to the end of February of the next year.

The Compensation Fund is also protected by provisions which permit the imposition of penalties on employees who fail to pay assessments, or render wage returns, at a rate of 10% of the assessment.

## WHAT IS REGARDED AS WAGES/EARNINGS

For the purpose of assessment, earnings mean any payments made to an employee which arise out of his employment and include:

- Salaries/wages,
- Commission,
- Cost of living allowances,
- The value of food and rations supplied free of charge,
- Incentives, bonuses, bonuses of a regular nature to which a workman is in terms of his/her service contract, entitled to; such as a 13th cheque, and
- Overtime of a regular nature.

## PROCEDURE WHEN REPORTING AN OCCUPATIONAL INJURY (ACCIDENT)

If an employee believes that he has been injured in the workplace or as a result of a working condition, a claim can be filed with the State- appointed Compensation Commissioner who will evaluate the claim against a schedule of common workplace injuries and diseases.

An employee must provide some documentation from approved medical practitioners to support his/her claim.

The W.Cl.2 referral form needs to be completed and submitted to the Compensation Commissioner at PO Box 955, Pretoria, 0001. If the claim proves successful, the employer is liable for the payment of compensation for the first three months from the date of the occupational injury.

## BENEFITS FOR THE EMPLOYER

The Act makes provision for the payment of compensation to employees that have sustained an injury on duty. The employer is also protected against all civil claims that may be instituted against him in the event of an injury on duty, even in the event of alleged negligence.

An employee who is injured on duty is entitled to the payment of compensation in respect of temporary total disablement, permanent disablement (according to the degree of disablement) and death.

Reasonable medical aid expenses arising out of an injury on duty are payable for a period of two years, or longer if further medical treatment will reduce the extent of the disablement.

## FURTHER INFORMATION

For further information please contact the Compensation Commissioner at:  
Tel: (012) 319 9111  
Fax: (012) 326 7889/ 323 8627  
Assessments: (012) 319 9203  
Compensation: (012) 319 9269  
Compensation House  
Cnr. Hamilton Street & Soutpansberg Road, Arcadia, 0001

## RELEVANT LEGISLATION

Compensation for Occupational Injuries and Disease Act, 1993  
Compensation for the Occupational Diseases in Mines and Works Act  
Basic Conditions of Employment Act, as amended, ss 22-24

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Labour Relations Act, as amended Schedule 8, items 10-11