



**BA-PHALABORWA MUNICIPALITY
HUMAN RESOURCES**

**COMPENSATION FOR INJURIES AND DISEASES
ACT POLICY**

Revision History

Revision	Date	Author	Reason For Change
1.0	FEB 2014	MOKOENA SS	REVIEW



BA-PHALABORWA MUNICIPALITY

**COMPENSATION FOR INJURIES AND DISEASES ACT
POLICY**

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1. Preamble

This policy makes provision for compensation for disablement caused by occupational injuries or diseases sustained or contracted by employees in the course of their employment, or for death resulting from these injuries or diseases; and to provide for matters connected therewith.

2. SCOPE

This policy is applicable to all Ba-Phalaborwa Municipal employees, as per the Compensation for Occupational Injuries & Diseases Act (COIDA), no 130 of 1993, as amended and the Occupational Health & Safety Act, no 85 of 1993, as amended and attached regulations.

3. OBJECTIVES AND PRINCIPLES

(a) To make all employees aware of their responsibilities to immediately report occupational injuries or diseases sustained or contracted in the course of their employment.

(b) To make all employees aware of the systems and procedures in terms of the COIDA Leave Policy.

(c) The Municipal Manager should ensure that Ba-Phalaborwa Municipality complies with the legislative requirements of the Compensation for Occupational Injuries & Diseases Act (COIDA) 130 of 1993, through:

(i) The establishment and maintenance of appropriate management systems to address COIDA within the Municipality.

- (ii) Making sure that every employee in Council familiarise him/herself with the COID Act, 130 of 1993 to ensure legislative compliance.

4. DEFINITION OF ABBREVIATIONS

BCEA “Basic Conditions of Employment Act

OHSA “ The Occupational Health and Safety Act, 85 of 1993

OHS OFFICER “Occupational Health and Safety Officer as appointed by the Institution.

COIDA “Compensation of injuries and diseases Act

IOD “Injury on duty

MM “Municipal Manager

LRA “Labour Relations Act

4. LEGISLATIVE FRAMEWORK

- (i) The Constitution of South Africa 108 of 1996
- (ii) The Basic Conditions of Employment Act 75 of 1997
- (iii) The Compensation For Occupational Injury and Disease Act 130 of 1993 (COIDA) as amended 1997
- (iv) The Labour Relations Act 65 of 1995
- (v) The Occupational Health and Safety Act, 85 of 1993 and Regulations as amended

5. POLICY PROVISIONS

- (a) Employees who, as a result of their work, suffer occupational injuries or contract occupational diseases, shall be granted COID Leave for the duration of the period they cannot work up until three months.

- (b) Periodical COID Leave shall be granted in respect of temporary disablement or temporary partial disablement which lasts for three days or less. COID Leave will be granted with full compensation and it will be administered as such.
- (c) Disabling injuries caused by the injured employee directly, as a result of negligence or horseplay are not recognised as an Injury on duty and will not be administered as such. Neither COID Leave, nor any entitlement of COID Procedures will be granted.
- (d) Employees falling victims of horseplay will be recognised as an Injury on duty and will be administered as such. COID Leave and the entitlement of COID Procedures will be granted.
- (e) Employees causing negligence or horseplay in the workplace will be dealt severely in terms of Ba-Phalaborwa Municipality's Disciplinary Procedures.
- (f) Employees are entitled to full compensation for the first three months of being absent from work, in terms of section 47 of the COID Act. Such cost incurred shall be claimed from the Compensation Commissioner as per COID Act.
- (g) Should the employee, in the fourth month remain unfit to resume normal duties or return to work on the advice from a medical practitioner, the Municipal Manager may grant additional special leave, with full compensation at his sole discretion.

6. CLAIMS FOR COMPENSATION

- (a) Written or verbal notice of an accident shall, as soon as possible after such accident happened, be given by or on behalf of the employee concerned to the Occupational Health and Safety officer, and notice of the accident may also be given as soon as possible to the Compensation Commissioner in the prescribed manner.
- (b) Failure to give notice in time to the OHS Officer, or any error or inaccuracy in such notice, shall not bar a right to compensation, provided that all supporting documents are submitted.
- (c) Council shall within **seven days** after having received notice of an accident or having learned in some other way that an employee has met with an accident, report the accident to the Compensation Commissioner in the prescribed manner.
- (d) Council shall within **thirty days** furnish the Compensation Commissioner in the prescribed manner with the name of a Health and Safety Officer, who shall be responsible to report accidents as required on behalf of the organization,
- (e) Should Council fail to comply with the submission of the Annual Return of Earnings annually, that is due on the 31 March as legislated, they shall have committed an offence
- (e) Should Council fails to report in the prescribed manner an accident which has happened to an employee in his/ her or its service within **seven days** after having received notice thereof or having learned thereof in some other manner, the Director-General may impose a fine of not more than the full amount of the compensation payable in respect of such accident

upon Council, in addition to any other penalty to which Council may be liable.

- (f) Council shall at the written request of an employee or the dependant of an employee furnish such employee or dependant with a copy of the notice of the accident furnished by the Council, to the Compensation Commissioner in respect of a claim for compensation by such employee or dependant.
- (g) An employee or the Council shall, at the request of the Director-General, furnish such further particulars regarding the accident and Injuries concerned as the Director-General may require.
- (h) An employee who has met with an accident shall, when reporting the accident or thereafter at the request of the Compensation Commissioner, furnish such information and documents as may be prescribed.
- (i) Council shall within **seven days** after having received a claim medical report or other documents or information concerning such claim sends the claim, report, documents or information to the Compensation Commissioner.
- (j) An employee who claims compensation or to whom compensation has been paid or is payable shall when so required by Council, after reasonable notice, submit himself at the time and place mentioned in the notice to an examination by the medical practitioner.
- (j) Such expenses incurred by the employee to comply with the provisions as Council may deem necessary and reasonable, and the prescribed remuneration for a medical examination in terms of this section, shall be paid by Council requiring the examination.

- (h) If, in the opinion of any medical practitioner the employee is not capable of calling upon the designated medical practitioner, the employee shall inform Council requiring the examination thereof or cause him to be so informed, and the designated medical practitioner shall then examine the employee at a time and place as agreed upon.
- (i) An employee shall be entitled at his own expense to have a medical practitioner or chiropractor of his choice present at an examination by a designated medical practitioner.
- (j) An employee or ex-employee shall be entitled at his own expense for re-opening a medical enquiry until the injury or incident is formally acknowledged by Compensation Commissioner.
- (k) A claim for compensation shall be lodged by or on behalf of the claimant in the prescribed manner with the Compensation Commissioner by the OHS Officer or within 12 months after the date of the accident or, in the case of death, within 12 months after the date of death.
- (l) If a claim for compensation is not lodged in a prescribed manner, such claim for compensation shall not be considered.
- (m) A right to benefits in terms of this policy shall lapse if the accident in question is not brought to the attention of Council, within 12 months after the date of such accident.

7. INCREASED COMPENSATION DUE TO NON COMPLIANCE OF COUNCIL

- (a) If an employee meets with an accident or contracts an occupational disease which is due to the negligence of Council, the employee may apply to the Compensation Commissioner for increased compensation in addition to the compensation.
- (b) An accident or occupational disease shall be deemed also to be due to the negligence of Council, if it was caused by a patent defect in the condition of the premises, place of employment, equipment, material or machinery used in the business concerned,
- (c) An application for increased compensation in terms of this section shall be lodged with the Compensation Commissioner in the prescribed manner within 24 months after the date of the accident or the commencement of the occupational disease , but the ' Compensation Commissioner may extend that period by a further period not exceeding 12 months if he is satisfied that there are good reasons why the employee did not lodge his application within that period, and that neither the compensation fund nor Council will unreasonably be prejudiced by the extension of such period.

8. RECOVERY OF COMPENSATION OR OTHER BENEFITS

- (a) Should Council, which is liable for the payment of compensation or any other pecuniary benefit in terms of the COID Act , refuses or fails to pay such compensation or benefit, the Director-General may issue an order in the prescribed form for the payment thereof.

9. CONVEYANCE OF THE INJURED EMPLOYEE

- (a) If an employee meets with an accident which necessitates his conveyance to a hospital or medical practitioner or from a hospital or medical practitioner to his residence, council shall forthwith make the necessary conveyance available.
- (b) Council shall pay the reasonable cost incurred in respect of that conveyance.
- (c) Should Council fail to comply with conveyance of the injured employee; they shall be guilty of an offence.

10. SUBMISSION OF A MEDICAL REPORT

- (a) A medical practitioner or chiropractor shall within **14 days** after having for the first time examined an employee injured in an accident or within 14 days after having diagnosed an occupational disease in an employee, furnish a medical report to the Council in the prescribed manner: **provided that where the employee was at the time of the diagnosis of an occupational disease not employed, the medical report shall be furnished in the prescribed manner to the commissioner.**
- (b) If Council requires further medical reports regarding an employee, the medical practitioner or chiropractor who has treated or is treating the employee shall upon request furnish the desired reports in the manner and at the time and intervals specified or prescribed.
- (c) No compensation shall be payable to a medical practitioner or chiropractor for the completion and furnishing of a report.

(d) A medical practitioner or chiropractor shall at the request of an employee or the dependant of an employee furnish such employee or dependant with a copy of the reports.

11. RECORD KEEPING

(a) Council shall keep a register or other record of the earnings and other prescribed particulars of all employees, and shall at all reasonable times produce such register or record or a microfilm or other microform reproduction thereof on demand to an assessor for inspection.

(b) Council shall retain the register, record or reproduction for a period of at least **four years** after the date of the last entry in that register or record.

(c) Should Council fail to comply with keeping records; they shall be guilty of an offence.

12. RETURN OF EARNINGS

(a) Council shall, not later than the **thirty-first day of March in each year** furnish the commissioner with the return of earnings in the prescribed form, certified correct by people with authority.

(b) Should Council fail to comply; they shall be guilty of an offence.

13. ASSESSMENTS DUE TO THE COMMISSIONER

(a) An assessment shall be paid by Council to the commissioner within **30 days** after the date of the notice of assessment or, with the approval of the

- (b) commissioner, in such installments and at such times and on such conditions as the commissioner may have determined.
- (c) Interest is payable on an overdue assessment at a rate determined by the Director-General, which shall not exceed the prevailing standard rate of interest as defined in section 1 of the Exchequer Act, 1975(Act No. 66 of 1975).
- (d) Failure to pay an assessment may result in the imposition of a fine at the prescribed percentage upon the outstanding amount.

14. PRELIMINARY ACTION WHEN AN INCIDENT OR ACCIDENT OCCURS

Every employee is responsible for the reporting of any incident to the Supervisor in charge of the area in which the incident occurred not later than the end of the shift during which the incident occurred. Failure to do so may result in the Employer not accepting this as a work-related injury/illness.

15. FATAL ACCIDENTS

15.1. In the case of an accident where the victim is suspected to have died, the person closest to the accident shall contact Emergency Services and report that a suspected fatality has occurred.

15.2. The following people must also be notified:

- (a) Manager
- (b) Supervisor
- (c) First Aider
- (d) OHS Officer
- (e) Traffic Head
- (f) Human Resources - who shall, through the appropriate channels inform
The Family or next of kin.

15.3. The OHS Officer shall contact the Municipal Manager by applicable means and inform him of the fatality. A copy of this message shall be sent to the

Director Corporate Services

15.4. The OHS Officer shall contact the Department of Labour and inform them of the fatality, including the necessary documentation.

15.5. The OHS Officer shall report the case to South African Police Services and get the case number.

15.6. The manager/supervisor, SHE Rep of the area & OHS Officer (with the help of Traffic Officials, if necessary) shall:

- (a) Isolate the area and ensure the scene is not tampered with.
- (b) Have photographs taken of the accident scene.
- (c) Take statements from witnesses and all relevant personnel.
- (d) Compile a dossier of all the relevant information on the accident and.
- (e) Assist the South African Police Service with their official duties.

16. COMPLETION OF DOCUMENTATION

16.1. The Supervisor of the workplace where an incident has occurred shall notify the Occupational Health Safety Officer of the incident, where report form (W.CL.2) shall be completed and accompany the injured employee to the Doctor/Hospital.

17. APPROVAL

17.1. The approval of the COID Policy will be in terms of the Compensation for Occupational Injuries & Diseases Act (COIDA) of 1993, section 7 of the Act and shall be implemented after approval by Council.

17.2. The policy shall be reviewed annually.

DATE OF ISSUE

EFFECTIVE DATE

DATE OF COUNCIL APPROVAL

APPROVAL

**DR SEBASHE SS
MUNICIPAL MANAGER**

DATE

ANNEXURE A

STEPS TO FOLLOW WHEN COMPLETING THE W.CL.2 REPORT

Step 1:

- 1.1. Record and investigate all incidents by completing Annexure 1 as required by Regulation 8 of the General Administrative Regulations of the OHS Act.
- 1.2. Every incident must be investigated by a designated person within **three months** or within the contracted period in cases of contract work.

Step 2:

- 2.1. Complete the W.Cl.2/ Employers Report in duplicate format per injured employee. If not in duplicate format, make copies of the completed document for recordkeeping purposes.
- 2.2. The W.Cl.2/ Employers Report must be signed by the Council representative & **NOT THE INJURED PERSON.**
- 2.3. Complete the W.Cl. 2/ Employers report correctly and completely, before sending it to hospital or doctor.
- 2.4. The company registration number **(9940174172)** must be completed in the required field.
- 2.5. The date of the injury must be displayed on the form.
- 2.6. No direct financial reimbursements to employees or any other third parties for COID cases will be made due to non-compliance of prescribed COID Standards.

Step 3:

- 3.1. Obtain certified copies of the identity document of the injured person(s).
- 3.2. If the employee does not bring his/her identity document on admission, the OHS Officer must ensure that the identity document or copy of is sent to the hospital or doctor within one working day after admission.
- 3.3. Send the documents to the hospital or doctor within one working day of admission.

Step 4:

- 4.1. Obtain copies of the First Medical Report (W.Cl. 4) from the hospital or doctor.

Step 5:

- 5.1. Register the claim as soon as possible within **seven working days** with the Compensation Commissioner, in the event of an injury on duty. Register that claim as an alternative, after completion of the W.Cl. 2/ Employers report, telephonically with The Compensation Commissioner and obtain the WCA claim/ reference number.
- 5.2. The completed documents must be faxed to the Compensation Commissioner at 012 - 323 8334.

Step 6:

- 6.1. Obtain all following medical reports, which is Progress/ Resumption/ Final Reports from the hospital or doctor.

Step 7:

7.1. Complete the Resumption Report confirming that the employee started work after the injury on the due date.

7.2. The originals must be mailed via registered mail with SA Post Office

To:

The Compensation Commissioner

PO Box 955

PRETORIA

0001

7.3. The documents (W.C.I. 2/ Employers report) must reach the Compensation Commissioner's office within **seven working days** of the injury. Supporting documents (First Medical/ Progress/ Final/ Resumption Reports) must reach the Compensation Commissioner within **sixty days** of the date injury.

7.4. The OHS Officer will receive the TR 2 card with the claim number (e.g. A6 172864).

Step 8:

8.1. On receipt of the TR 2 card, the unique claim number (e.g. A6 172864), must be supplied to the medical service providers (e.g. doctors) within 30 days thereof.

8.2. If the claim number is/ not available, the OHS Officer needs to inform the hospital or doctor of the progress of the claim.