



labour

Department:
Labour
REPUBLIC OF SOUTH AFRICA



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Basic Guide to Compensation for Medical Expenses

All claims for occupational injuries and diseases must be supported by medical reports, directly linking the diagnosis of the injury or disease with the worker's accident/work.

Application

The Compensation for Occupational Injuries and Diseases Act applies to:

- all employers; and
- casual and full-time workers who, as a result of a workplace accident or work-related disease:
 - are injured, disabled, or killed; or
 - become ill.

This excludes -

- workers who are totally or partially disabled for less than 3 days;
- domestic workers;
- anyone receiving military training;
- members of –
 - the South African National Defence Force, or
 - the South African Police Service;
- any worker guilty of wilful misconduct, unless they are seriously disabled or killed;
- anyone employed outside the RSA for 12 or more continuous months; and
- workers working mainly outside the RSA and only temporarily employed in the RSA.

See

- Compensation for Occupational Injuries and Diseases Act

Workers who are affected by occupational injuries and diseases are entitled to compensation

Transporting Injured or Ill Workers

The Director-General, mutual association or employer must pay the transport cost of ill or injured workers if the accident or illness necessitates transport to the hospital or doctor.

Based on Legislation in Section 72, of the Compensation for Occupational Injuries and Diseases Act

Payment of Medical Expenses

The Director-General, mutual association or employer must pay a worker's reasonable medical aid costs for a maximum of 2 years from the date of an accident or the diagnosis of a disease.

The Director-General may decide to pay the additional cost of further medical aid after a 2-year period if further treatment will reduce a worker's disablement. The Director-General may also direct an employer or mutual association to pay such costs.

Based on Legislation in Section 73, of the Compensation for Occupational Injuries and Diseases Act

Prohibition on Recovering Medical Costs

Employers may not deduct the cost of any medical expenses from workers.

Based on Legislation in Section 77, of the Compensation for Occupational Injuries and Diseases Act

Medical Aid Provided by Employers

If an employer provides a medical aid to his workers that is better than the legal requirement, and the Director-General has approved such a medical aid, the –

- workers will be entitled to that medical aid;
- employer concerned will not have to pay or provide any other medical aid;
- Director-General may reimburse such an employer or reduce his assessment.

Based on Legislation in Section 78, of the Compensation for Occupational Injuries and Diseases Act