



# labour

Department:  
Labour  
REPUBLIC OF SOUTH AFRICA


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## Basic Guide to Compensation for Occupational Injuries and Diseases

Compensation claims for occupational injuries and diseases are calculated according to the seriousness of the injury or disease. Injuries or diseases caused by the negligence of a worker's employer or another worker may result in increased compensation.

### 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

### Compensation for Occupational Injuries and Diseases

Workers are entitled to compensation if they are injured while working or contract any work-related disease.

The types of compensation paid to workers for injuries or diseases are: Medical aid, temporary disablement, permanent disablement and fatalities.

### Increased Compensation due to Negligence

Workers may apply for increased compensation if they are injured or contract an occupational disease due to the negligence of -

- their employer; or
- a worker who acts for the employer.

*Based on Legislation in Section 56, of the Compensation for Occupational Injuries and Diseases Act*

*Based on Legislation in Section 65 and Section 66 of the Compensation for Occupational Injuries and Diseases Act*

### Claiming Compensation for Occupational Injuries and Diseases

#### When to Submit Claims

Workers or their dependants must submit claims for compensation to the Compensation Commissioner, their employer or the relevant mutual association **within 12 months** of the injury or diagnosis of a disease, or the date of death.

*Based on legislation in Section 43, of the Compensation for Occupational Injuries and Diseases Act*

#### Claiming Procedure

**Employers** must submit the required forms to the Compensation Commissioner **within 7 days after an injury** and **within 14 days** of being notified **of the diagnoses of a disease**.

An acknowledgement card or postcard will be sent to the employer informing them of the Commissioner's decision.

*Based on Legislation in Section 41 of the Compensation for Occupational Injuries and Diseases Act*

### Related Links

- [How To Claim from the Compensation Fund if you are a Worker](#)  
All workers must report all accidents or disease to their employers immediately, and submit forms from their doctor.
- [How To Report an Occupational Disease to the Compensation Fund if you are an Employer](#)  
All employers must report all occupational diseases within 14 days.
- [Form W.CL.1 - Employers Report of an Occupational Disease](#)  
This form is for reporting an occupational disease by employers for workers.
- [Form W.CL.14 - Notice of an Occupational Disease and Claim for Compensation](#)  
This form must be completed by an employer notifying the compensation commissioner of a workers occupational disease.