



labour

Department:
Labour
REPUBLIC OF SOUTH AFRICA



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Basic Guide to Reporting Occupational Injuries and Diseases

Workers must notify their employers of an accident immediately. Employers must submit certain documents to the Compensation Commissioner within 7 days of being notified. Compensation claims for occupational injuries are calculated according to the degree of disablement. Disablement caused by the employer's negligence 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

What is an Occupational Injury?

Occupational injuries are injuries sustained by workers in the workplace or while performing any activities related to the business of the employer.

Procedure for Reporting Injuries

Workers

Workers, or someone on their behalf, must report an accident and any injuries, verbally or in writing, to the employer immediately.

If a worker does not report an injury to his employer, the Commissioner or mutual association within 12 months of being injured, he will lose any right to benefits.

Employers

All employers must report any accidents that result in medical expenses and/or a worker's absence from work for longer than 3 days by submitting the required documents to the Compensation Fund within 7 days.

Employers who delay in reporting an accident are guilty of a criminal offence, and will have to pay a penalty.

Based on Legislation in Section 38 and Section 39 of the Compensation for Occupational Injuries and Diseases Act

What is an Occupational Disease?

An occupational disease is a disease **caused by a worker's job**.

See Schedule 3 of the Act for the list of occupational diseases.

Workers who contract a **Schedule 3** disease can claim compensation.

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

Procedure for Reporting Diseases

Workers

A **worker**, or someone on his behalf, must report a disease, in writing, to the employer as soon as possible after a doctor's diagnosis.

If a worker does not report a disease to his employer, the Commissioner or mutual association **within 12 months of being diagnosed**, he will lose any right to benefits.

Employers

Employers must fill in the required forms and submit them to the Compensation Commissioner within 14 days.

Compensation Commissioner

Once the Commissioner receives the forms, a claim will be registered and the decision to accept liability or not will be made.

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

Based on Legislation in Section 65, Section 68, of the Compensation for Occupational Injuries and Diseases Act