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# COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT 130 of 1993



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Project eCOID is part of the modernisation journey of the Compensation Fund aimed at developing an integrated online claims management system



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# PURPOSE OF THE COID ACT

TO PROVIDE COMPENSATION FOR DISABLEMENT CAUSED BY OCCUPATIONAL INJURIES AND DISEASES SUSTAINED OR CONTRACTED BY EMPLOYEES IN THE COURSE OF THEIR EMPLOYMENT OR FOR DEATH RESULTING FROM SUCH INJURIES OR DISEASES



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# DEFINITIONS

- Accident: An unexpected occurrence, at a specific date, time and place, arising out of and in the course of an employee's employment, resulting in personal injury or death
- Disablement: temporary partial disablement, temporary total disablement or serious disfigurement as the case may be
- Employee: a person who has entered into or works under a contract of service or of apprenticeship or learnership, with an employer, whether the contract is expressed or implied, oral or in writing, and whether the remuneration is calculated by time or by work done, or is in cash or in kind
- Employer means any person, including the state, who employs an employee
- Exempted Employer: Employer where the Compensation Fund does not raise assessment costs
- Medical practitioner: a person registered as a medical practitioner in terms of the Medical, Dental and Supplementary Health Service Professions Act 1974



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# DEFINITIONS

- Temporary total disablement: the total inability of such employee as a result of an accident or occupational disease to perform the work at which they were employed at the time of the accident
- Permanent disablement: is the permanent inability of such an employee to perform any work as a result of an accident or occupational disease for which compensation is payable.



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# ROLES AND RESPONSIBILITIES OF EMPLOYERS

- It is compulsory for an Employer to register with the Compensation Fund upon appointing their his/her first employee.
- An Employer must stipulate the exact date that of which the first Employee was employed by the company.
- A detailed description of the nature of business/services rendered must be stipulated in order for the Compensation Fund to apply the correct rate as per the Industry subclass.
- Return of Earnings must be submitted annually where the Employer declares the total remuneration paid to Employees for a financial year which runs from March to February.
- An Employer will only be in a position to obtain a valid Letter of Good Standing Certificate once all Return of Earnings are submitted and all assessments paid for in full.



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# ROLES AND RESPONSIBILITIES OF EMPLOYERS

- All accidents must be reported to the Compensation Fund within 7 days.
- Transport must be provided for the injured employee to seek medical attention
- Grant special leave instead of sick leave for the employees absence.
- Pay employee salary for 3 months after the accident, which will be refunded by the Compensation Fund
- Complete a resumption report once employee resumes duty after having being booked off for the injury on duty
- Give time off for doctor's follow up visits



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# EMPLOYEE'S RESPONSIBILITY

- The employee must report accident to supervisor/employer immediately
- They must seek medical attention from a medical practitioner of their choice
- Make available all medical reports relating to the IOD to their employer
- Approach the department of labour within 12 months of the accident IF the employer refuses to report the accident



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# ROLE AND RESPONSIBILITIES OF THE COMPENSATION FUND

- Asses and collect assessments from employers annually
- Register claims and determine the liability of the Compensation Fund for the injuries.
- Inform all parties concerned on the progress made on claims
- Pay reasonable medical aid expenses relating to the injury/diseases
- Pay loss of earnings to the employer and employee (TTD)
- Pay for permanent disablement ( lump sums & pensions)
- Pay for funeral expenses in the case of fatal claims
- Pay pension to survivors of a deceased employee and children under the age of 18
- Facilitate a tribunal for all objections received on decisions made by the Compensation Fund



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# BENEFITS

- When the Compensation Fund accepts liability for a claim the following benefits are due to it's stakeholders, depending on the nature of injuries and the period the injuries take to be stabilised
- All medical payments relating to the injury/disease will be paid by the Compensation Fund as per the tariffs negotiated and published in their government gazette.
- All medical invoices must be submitted to the Compensation Fund, in line with the billing procedures in the gazette and with a corresponding medical report.
- Certain treatments must be pre-authorized by the CF- Re-openings, Physio, OT, MRI's, chronic medication and assistive devices



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# BENEFITS

- Should an employee be booked off due to an IOD for more than 3 days, the employer is required to pay their earnings
- Employers will be refunded 75% of the employees actual earnings for the 3 months
- Thereafter the Compensation Fund will pay the employee 75% or their reported earnings up to the stabilisation of the medical condition or up to 24 months which ever one comes first.
- Every loss of earnings claim must be submitted with an affidavit and a progress medical report for a particular month
- At the point the condition becomes stabilised a Final medical report must be submitted for the determination of permanent disablement, if any.



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# BENEFITS

- Permanent Disablement is indicated by using %, based on internal circulars
- Lump sum is paid to an employee whose permanent disablement has been determined to be between 1% and 30%
- The formula used to determine how much the injured employee will receive is as follows: **EMPLOYEE EARNINGS X PD% X15/30**
- When the PD % is above 31% the injured employee is eligible to be paid a monthly pension from the compensation until their demise
- Any other medical care including chronic medication they may need related to the injury will be paid for by the Compensation Fund



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# BENEFITS

- For employees that die as a result of their injuries/diseases or at the point where the accident occurs the following benefits shall apply
- A surviving spouse shall earn a pension until their demise. Polygamous marriages are also recognised in the absence of a civil marriage
- All children under the age of 18 will earn a pension. The pension can be extended if the children are still in school.
- Any disabled children will earn a pension until their demise.



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# OBJECTIONS

- Any decision made by the Compensation Fund may be objected to by a stakeholder affected by said decision, within 180 days of being informed of this decision
- A tribunal shall be convened by the CF made up of independent assessors and a presiding officer who will decide on the matter.
- The Compensation will then abide by any decision arrived at by the tribunal.



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# QUESTION???

THANK YOU



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