

COMPENSATION LAWS IN SOUTH AFRICA

In South Africa compensation for occupational diseases and injuries resulting from industrial accidents is covered in two pieces of legislation: The Workmen's Compensation Act No 30 of 1941 (WCA), and the Occupational Diseases in Mines and Works Act No 78 of 1973. (ODM&WA)

The Occupational Diseases in Mines and Works Act (ODM&WA)

This act covers only the mining and mining related sector of industry. It contains a list of diseases for which those employed in specified job categories in a mine or works may be compensated. A "works" is a workplace other than a mine where ore is processed, concentrated or refined. It includes the working and treating of mine dumps for the recovery of valuable material and the making and repairing of underground tunnels. (A more complete description of a works is contained in the Act.)

The Workmen's Compensation Act (WCA)

This act covers workers employed in the non-mining sector of industry, and workers employed in a mine or works who develop occupational diseases not listed in the ODM&WA.

It does not cover workers who earn in excess of R24 000 per year (unless a special arrangement has been entered into with the Workmen's Compensation Commissioner). The act also excludes certain categories of workers (for example domestic servants, persons employed casually for a purpose other than the employer's business, National Servicemen and subcontractors).

The WCA contains two schedules.

The First Schedule is a list which lays down the percentage disability of injuries resulting from industrial accidents.

The Second Schedule is a list of diseases recognised to be caused by the nature of the work that an employee is performing or did perform. This means that workers who develop a disease listed in the Second Schedule are eligible for compensation if they have a history of occupational exposure to the relevant substance which causes the disease. They do not have to prove that the causing factor in question did in fact cause the disease.

Workers who develop an occupational disease not listed in the Second Schedule must prove that the disease is a result of workplace exposure (and did not occur coincidentally) before they can be compensated. In practice, workers who develop diseases not listed in the Second Schedule are rarely compensated.

Copies of these laws can be ordered from:

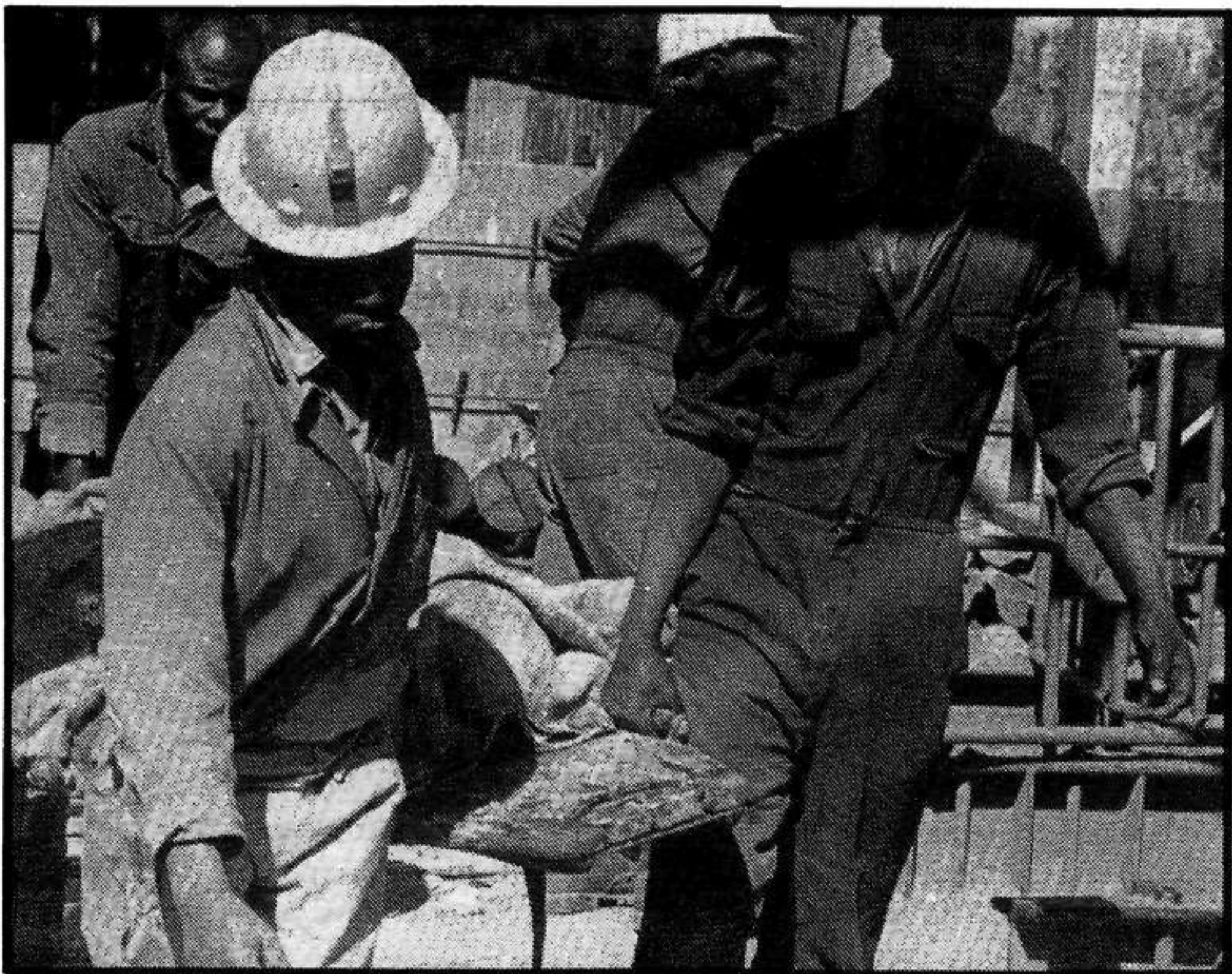
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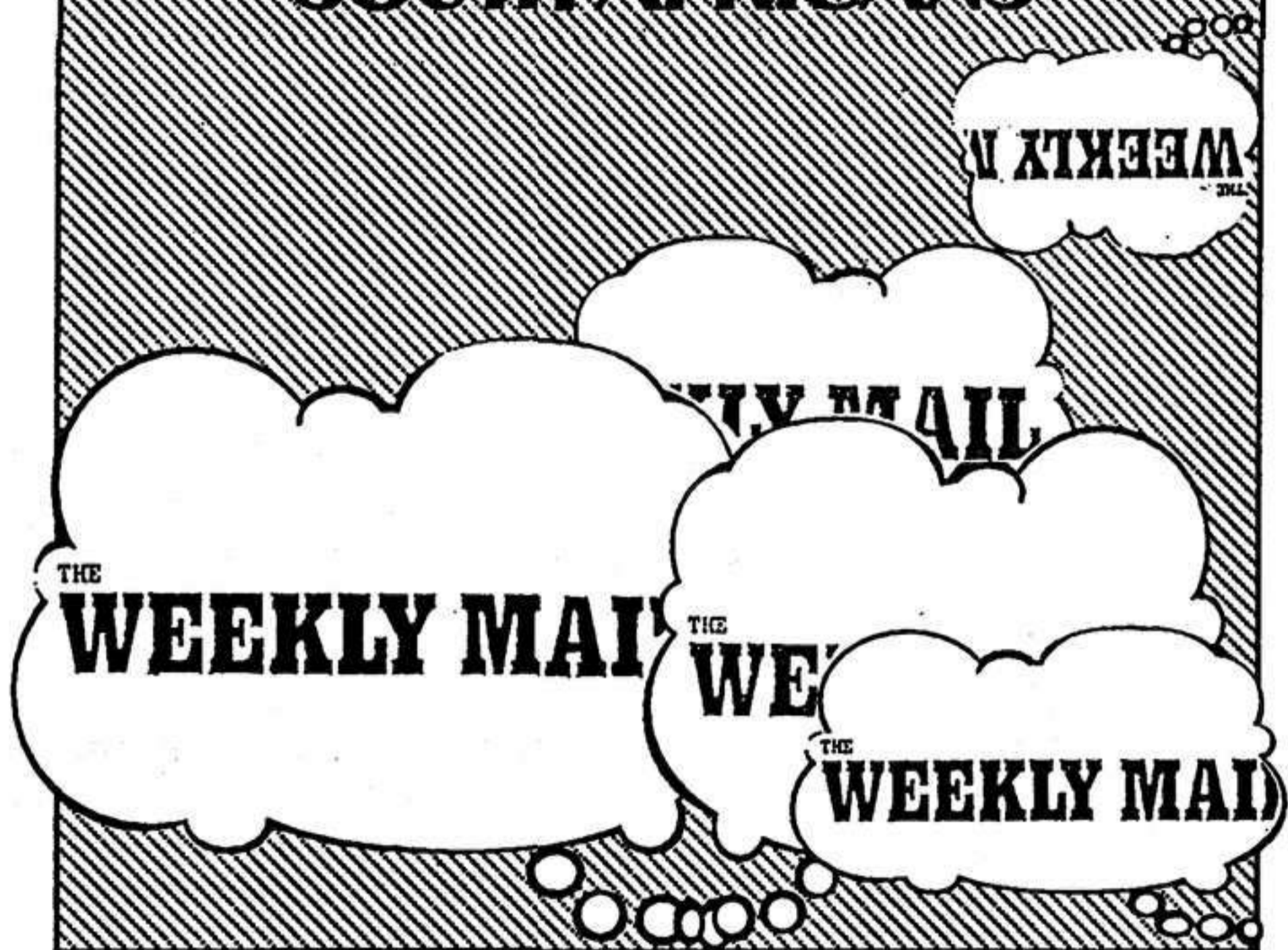
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The First Schedule lays down the percentage disability of injuries resulting from industrial accidents

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