

# WORKMEN'S COMPENSATION

The Workmen's Compensation Act (WCA) was introduced to compensate workers for accidents or diseases which are caused at work. The Workmen's Compensation Fund is administered by the Workmen's compensation Commissioner, who pays out individual workers in the event of compensatable illness or injury. It is a type of insurance for the worker and it is compulsory for industrialists to participate in the scheme.

Industrialists contribute to the WCA Fund by means of a levy system. The more dangerous the work the higher the levy paid. For example, rock drilling and blasting are regarded as one hundred times as dangerous as hairdressing. This means that employers of rock drillers pay a levy of five rand for every one hundred rand paid out in wages whereas employers of hairdressers pay only five cents for every one hundred rand paid out in wages.

All claims for injury or disease against a company are met from the levy paid by that company. These claims cover medical expenses, temporary or permanent loss of earnings by the worker and up to four hundred rand towards funeral expenses if the worker dies as a result of the injury or illness.

Workmen's compensation operates on a rebate system. If there have not been too many claims then the employer is repaid a certain amount of money paid in as levies. This rebate may be as much as 50%. From this one can see that the industrialist has a strong interest in keeping the number of claims to a minimum. Accidents are therefore often not reported or claimed for.

One of the most effective mechanisms used by management for keeping claims low is the provision of a health service at work. This service generally processes all claims which would otherwise potentially go through the Workmen's Compensation for medical expenses, are dealt with by the sister on the spot, at no extra cost. Although the indus-

trialists bear the cost of employing a sister and running a clinic, their Workmen's compensation rebate can be more than sufficient to pay the sister, clinic costs and all expenses - even several times over.]

An interesting point about Worker's Compensation is that it involves private medicine only, paying full private rates for all medical care. Workmen's Compensation patients cannot be treated as ordinary patients in state hospitals. This means that the costs are high and it is a further inducement to keeping claims low, as all claims are met from the particular company's levy and affect the rebate.

### LIMITATIONS OF COMPENSATION

There are a number of limitations on the efficiency of compensation. Workers always lose income in addition to the pain and inconvenience of being injured. They are only paid 75% of their wages while off work.] In addition they are not paid for the first 3 days unless they are off work for more than 14 days. The vast majority of claims are for less than 14 days. So, for example, a worker who is off work for 5 days will only be paid 75% of his/her wages for 2 days. Therefore he/she loses  $3\frac{1}{2}$  days wages which is a very serious disadvantage for a low paid worker. [In addition, there is often a long delay between the time of injury and the time when compensation is received. Therefore, for sickness or injury which is no fault of the worker he or she is effectively punished.]

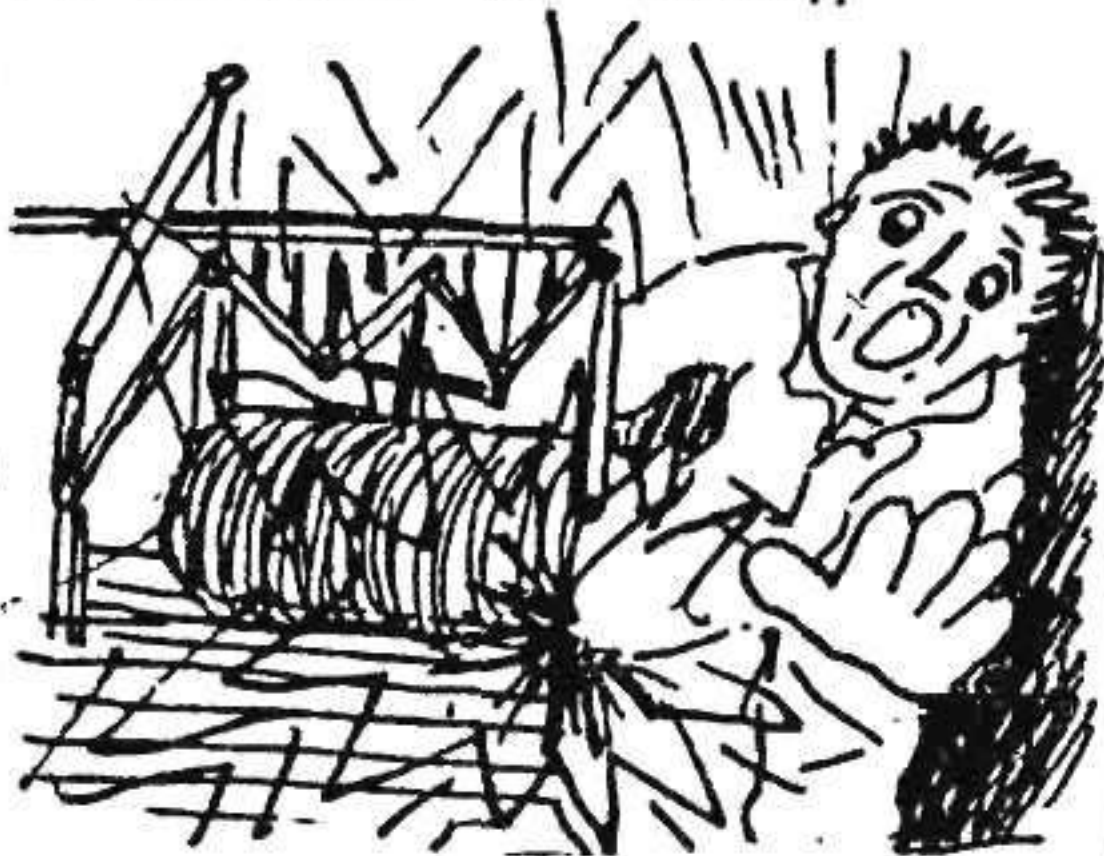
Compensation is calculated according to the wage the worker receives. This means that a worker who earns a lower wage is paid proportionately less for exactly the same injury than someone in a higher income bracket. This situation is made worse in the case of permanent disability. The loss of a hand or arm for a manual labourer may well mean life-long unemployment yet the compensation he/she will receive for this injury is far less than someone whose hand is not as essential for continued employment.]

Before compensation can be claimed for, there are a number of relatively complicated forms which need to be completed.

This makes it a difficult task for a significant proportion of workers who are illiterate or who are not used to filling in highly technical forms. This problem becomes very serious when the bosses, whose responsibility it is, fail to report the accident or disease. When this happens it becomes the responsibility of the worker to make the claim and complete all the relevant forms. The situation is further complicated by the fact that when an employer refuses to report the accident he often follows this up by firing the worker concerned. Frequently then injury is accompanied by unemployment.

## COMPENSATION IS NOT ENOUGH!

AN ACCIDENT AT WORK!!



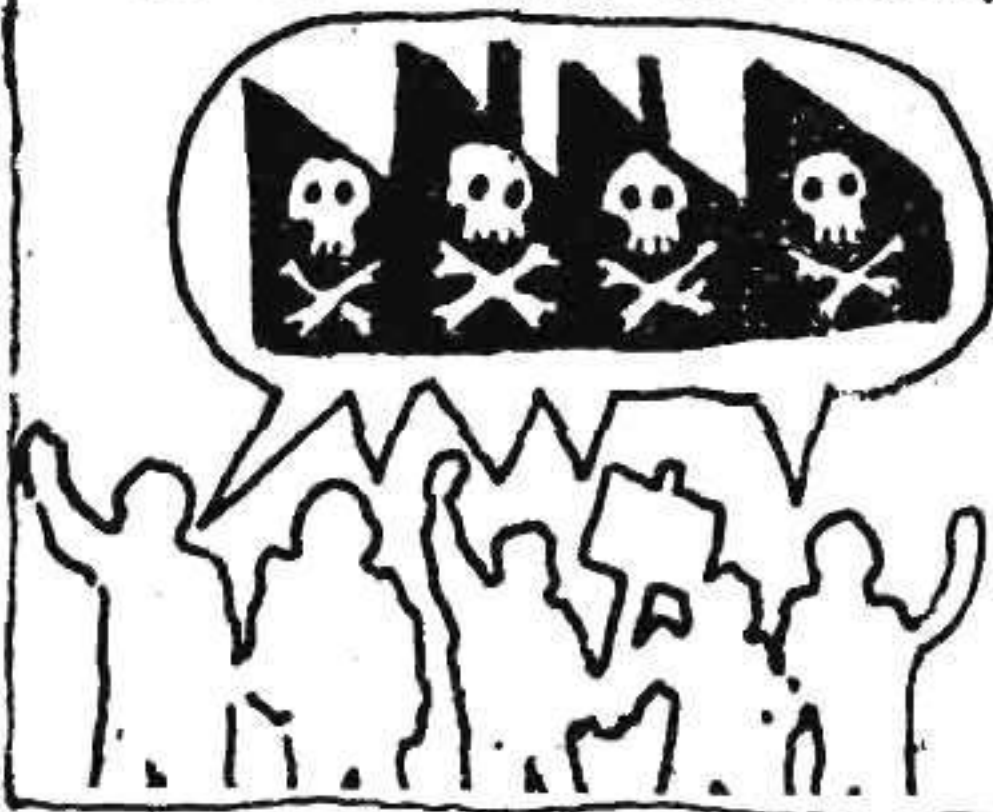
WORKMENS' COMPENSATION IS LIKE A CRUTCH...IT HELPS THE VICTIM TO LIVE WITHOUT A LEG....



BUT IT DOES NOT STOP IT HURTING AND IT DOES NOT GIVE HIM HIS LEG BACK.



WORKERS MUST ORGANISE AND DEMAND A SAFE WORK PLACE.



A large proportion of South African workers are not covered by the Workman's Compensation Act. All domestic, farm and casual labourers have no legal recourse if injured at work. Furthermore mine-workers are covered by a different and less comprehensive compensation scheme.)

(Finally, no compensation is payable in the case of an accident which is attributable to the "serious and wilful misconduct" of a workman, which includes drunkenness and reckless usage of equipment. These categories of accidents are obviously subject to bias, and if a worker is not represented by a union accidents are more likely to be blamed on the "wilful misconduct" of the worker.

Another interesting aspect of WCA is that it protects an employer from being sued even if he/she has failed to ensure the necessary precautions for promoting health and safety in the workplace. It also protects an employer even if his/her negligence has been directly responsible for an injury. This is a very serious limitation and has done much to prevent employers from providing a safe workplace.

### AIMS OF OCCUPATIONAL HEALTH (W.H.O.)

- + The promotion and maintenance of the highest degree of physical, mental, and social well-being of workers in all occupations.
- + The prevention among workers of departures from health caused by their working conditions.
- + The protection of workers in their employment from risks resulting from factors adverse to health.
- + The placing and maintenance of the worker in an occupational environment adapted to his physiological and psychological condition.