Workmens Compensation Follow-up

The case study of compensation for mesothelioma related in SALB 9.7 (1984) has finally been resolved. In May 1984, eight months after the worker was diagnosed as having mesothelioma, and seven months after a claim was submitted for him, he died. Eleven days later he was diagnosed as having compensable mesothelioma by the MBOD, and was sent forms to complete to "expedite disposal of the application". These again requested a full occupational history, together with any relevant records of service, certified copies of marriage certificates, identity documents, and birth certificates of dependent children. The IHRG managed to contact the worker's mother who filled out the forms and submitted them together with the relevant copied documents. In mid-January 1985, after sixteen months of struggle with the compensation authorities, born witness by a file an inch thick, the claimant's mother was granted a benefit of R13,417.

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MOSA: New Regulations

The new general regulations under the Machinery and Occupational Safety Act - Regulations No R2206 of 5 Oct 1984 in Government Gazette Vol 232 No 9453 - introduces some important new rights for workers and especially for safety representatives, if these are elected by and responsible to workers on the shop floor. A full account of these new rights are included in the IHRG MOSA manual. There is however one error in the reprint of the manual in SALB 10.3 (Dec 1984): on page 51, under point 1, regulation 5(h) was left out. This regulation states that management must make sure that each worker knows about any dangers connected with his/her work. Together with Regulation 5(a), quoted under point 1, this gives the right to workers to gain information about workplace hazards.

The new regulations are quite progressive in the sense that they provide important health and safety rights that are absent in the main Act. In this regard the previous article by Myers and Steinberg (SALB 8.8 and 9.9, 1983) is out of date and incorrect. At the time there were only 2 rights for safety representatives. This position is now substantially improved. (Industrial Health Research Group, UCT, March 1985)