



Farm Staff Management

Handout B

Compensation for Occupational Injuries and Diseases

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES

WHAT IS WORKMEN'S COMPENSATION?

It is compensation for an employee who sustains an injury or contracts a disease in the course of official duty.



The usual term used for occupational injuries is IOD (Injury on duty). IOD claims should be sent to the commissioner through the Department.

Claims for compensation of occupational diseases can be made only for diseases that are listed in schedule 3 of the WCA (Workman's Compensation Act).

Claims for diseases that are not listed can also be sent through to the commissioner for assessment and decision making. Each case will be treated on merit.

ELIGIBILITY

All employees are covered by the WCA, but their claims have to meet the compensation criteria in order to be considered.

NATURE OF INJURIES/ DISEASES THAT ARE CONSIDERED FOR COMPENSATION

Injuries /diseases are categorised according to the nature and extent of the disability which are classified as follows-

- Temporary disability;
- Permanent disability; and
- Fatal injuries/diseases

TYPES OF COMPENSATION

Compensation for claims depends on the nature and extent of the disability, and are categorised as follows:

- Periodical payments;
- Lump sum; and
- Monthly pension

WHEN IS COMPENSATION PAID?

Compensation is paid under the following circumstances:

- If an employee is injured or dies in an accident during the course of his/her work.
- If an employee gets an occupational disease or dies from a disease acquired during work.
- If an employee is involved in an accident while driving or being transported in a vehicle as part of their duties, but only if the vehicle is specially provided for that purpose.

[NB] Employees who have been injured should not expect to be compensated for any injury. All monies will be paid to service providers for expenses incurred.

WHAT TO DO IF INJURED ON DUTY

The following is a step by step guideline to help you understand what you should do when you are injured on duty:

- Report your injury (written or verbally) to your supervisor or manager regardless of how minor the injury may be.
- Receive medical attention immediately depending on the nature of the injury.
- If you require emergency care you have the right to choose a treating doctor of your choice.

- Do not delay seeking treatment. Failure to do so can trigger a dispute with the commission and jeopardise future benefits.
- Get a copy of the original accident report after your supervisor/manager has signed it.

[NB] By law you have 7 days to report the injury to your employer, and the employer must report it to the Commissioner within 14 days of the claim being made.

HOW TO REPORT INJURY ON DUTY



All accidents should be reported to the supervisor/manager verbally, but the necessary documents must also be completed and submitted to him/her immediately.

The following forms/documents must be submitted for all accidents:



- WCL2 (Employer's Report of an Accident)
- WCL3 (Claim for compensation)
- WCL4 (First Medical Report)
- WCL5 (Progress Medical Report) if the employee has not yet resumed duty a month after the incident.
- WCL5 (Final Medical Report)

- WCL6 (Resumption Report)
- Certified copy of I.D
- Affidavit by the injured employee.
- Affidavit by eye witnesses
- Salary advice/slip
- Radiological report
- Medical accounts

All documents should be submitted to the supervisor/manager, who must submit them to the Department's Human Resource Unit.

The responsible HR officer should refer all documents to the R&R (Reward and Retain) at the GSSC, and the GSSC will refer them to the Commissioner for assessment and processing.

If the employee was absent for less than three (3) days, a TAS 801 form should be completed and sent to the responsible employee at the Department's HR Unit. If there is any communiqué the responsible officer at HR will communicate that to the affected employee.

[NB] if an employee uses his/her medical aid scheme during consultation, the commissioner will reimburse the medical aid scheme.

CIRCUMSTANCES UNDER WHICH COMPENSATION MAY BE REFUSED

- If the employee's own misconduct caused the accident, but if the

employee is seriously disabled or died in the accident then the fund will still pay compensation.

- If the employee withholds prior injuries which may have aggravated the nature of the current injury or resulted in death.
 - If the death/disablement was caused, or aggravated, by the refusal of the employee to receive immediate medical attention.
 - If claims/occupational diseases are reported more than twelve (12) months after the accident or death or diagnosis.

PAYMENTS FOR INJURY ON DUTY



Temporary Disablement

Temporary disability means the temporary partial inability or temporary total inability of an employee to perform official duties as a result of an accident or occupational disease.

Benefits

- The commissioner will give periodical payments for up to twelve months for temporary disability if the claim is approved.
- Periodical payments may continue for up to 24 months if the employee's condition has not improved.
- If the employee's medical condition continues for more than 24 months the commissioner will treat it as permanent disability.
- Compensation for temporary disablement expires once the employee's condition becomes stabilised and his resumption of duty is possible or when treated as permanently disabled.
- Compensation for temporary disability may be awarded again if the employee's conditions recurs or deteriorates.

Permanent Disablement



Permanent disability means that the employee never fully recovers from the injury or sickness.

Benefits

- An assessment will be done once an injured employee's condition has stabilised.
- The most serious injury is called 100% disability (e.g. totally paralysed), while the smallest injury is 1% disability.
- If the injury is measured more than 30% the employee receives a monthly pension. If it is less than 30% the employee receives a lump sum.

- A pension is payable for life and is increased from time to time depending on the availability of funds.
- The pension expires at the end of the month in which the employee dies.
- If the employee was under 28 years or is a learner/apprentice, the employee will be paid what he /she would have received on his/her 26th birthday or at the end of 5 years.
- A permanently disabled employee may still work if he/she can find alternative employment and still qualifies for the pension granted for her/his disability.

Death

In the event where an accident results in death, the following documents must be submitted in order to consider compensation to the dependants:

- The marriage certificate
- Death Certificate
- Affidavit by Widow/er (WCL 32)
- Claim for Compensation (WCL 3)
- Birth Certificate of dependants under the age of 18yrs.
- For burial expenses a specified account (WCL 48) and receipts.

Benefits to the surviving family

- A widow/er will receive a monthly pension of 40% of what an employee

- would have received for 100% permanent disability.
- A child will receive 20% of what an employee would have received for 100% disability.
- Children's pension expires when they reach the age of 18 or die or marry before reaching that age. In some cases it can continue after the age of 18 if the child is a student.
- The widow/er pension is paid for life and expires on the last day of the month in which he/she dies.

OCCUPATIONAL DISEASES

- Occupational diseases are any diseases arising out of and contracted in the course of the employee's employment.
- An employee shall report to the supervisor/manager or responsible officer as soon as the occupational disease is diagnosed.

The following documents should be submitted;

- WCL28 (Progress final/medical report).
- X-ray plates as well as the report
- Lung function tests (if applicable).
- Any medical reports which may be helpful to the commissioner i.e. diagnostic report, reports on biopsies etc.

If he/she has retired, the occupational disease must be reported to the last employer in whose service he/she was before retirement or direct to the Compensation Commissioner.

The employer should within 14 days report such disease to the commissioner.

A medical practitioner shall within 14 days of diagnosing the occupational disease complete a medical report to the employer.

Medical panels as provided in the Act will assist the compensation commissioner in this regard.



If the employee has retired, his/her earnings shall be calculated on the basis of the earning that he/she would have received if still in employment.

LEAVE BENEFITS

- If an employee sustains an injury or contracts diseases in the course of work/employment, he/she will be

granted occupational injury and disease leave for the period that he/she is unable to work.

- Should an employee suffer an injury involving a third party the HOD will grant her/him occupational injury leave provided that a claim for compensation against the third party is made.

STAKEHOLDER INVOLVEMENT

The following stakeholders are involved in the handling of a claim for compensation.

- The injured/sick employee
- The supervisor/manager
- The HR Unit where the employee is based
- GSSC
- The Commissioner

ROLES AND RESPONSIBILITIES

Injured/sick employee

- Report the injury or disease to your supervisor/manager immediately.
- Fill in all appropriate forms.
- Submit all forms and supporting documents to your supervisor/manager.

The supervisor/manager

The supervisor/manager must submit all the documents to HR in the Department.

HR Unit in the Department

The responsible officer at HR will do the following-

- Assist the employee to complete all necessary forms.
- Check that all relevant documents are submitted.
- Forward all documents as well as a mandate to process the claim to the GSSC's Reward and Retain Unit (R & R) via the DMC (Document Management Centre).

The GSSC

- The responsible officer at R & R will check if all the documents have been submitted.
- If everything is in order, he/she will submit the documents to the Compensation Commissioner.

The Commissioner

- When an employer's reports of the occupational disease (WCL1) or Injury On Duty (WCL2) is received a file is opened and a unique claim number is allocated
- An acknowledgement card (WCL55) is send to the employer indicating a claim number .This

card only reflects the claim number and does not mean that the claim is accepted.

- The claim number should be quoted in all correspondence relating to the accident with the commissioner.
- The files are then referred to the different sections where claims assessors adjudicate on liability. If liability is accepted a postcard (WCI56) is send to the GSSC for payments.

The GSSC

- If liability is accepted/declined the GSSC will notify the relevant Department.
- Upon receiving notice of acceptance of liability from the Commissioner the GSSC's R&R Unit will Process the claim. .
- The finance department within the GCCS will process the payment.