

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 4813

10 May 2024

COMPENSATION FOR OCCUPATIONAL INJURIES AND
DISEASES ACT, 1993 (ACT NO 130 OF 1993)

I, Thembelani Waltermade Nxesi, Minister of Employment and Labour, after consultation with the Compensation Board, hereby make the following attached regulations for public comment in terms of Section 97 of Compensation for Occupational Injuries and Diseases Act, 1993 (Act No 130 of 1993) as amended. The proposed regulations are attached as Schedule A.

REGULATIONS FOR PUBLIC COMMENTS

These regulations are issued regarding the prescription period of claims.

Interested persons are invited to submit any substantiated comments in writing on the proposed regulations within 30 days from the date of publication hereof to the Department of Employment and Labour, Compensation Fund 167 Thabo Sehume Street, Delta Heights, Pretoria, 0001 or Sifiso.Dlamini@labour.gov.za



MR TW NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 25/04/2024

SCHEDULE A

Definition of regulation

In these regulations, "the regulations" means the regulations relating to Prescription under the Compensation for Occupational Injuries and Diseases Act, 1993; as amended and any word or expression to which a meaning has been assigned in these regulations shall have that meaning unless the context otherwise indicates.

Table of Contents

Preamble	2
Application of prescription period.....	2
Reporting	3

1. Preamble

The objective of these regulations is to clearly define the period of prescription of claims.

2. Application of the prescription period

(a) The provisions of these regulations shall apply to all occupational injuries and diseases claims, including death claims.

(b) The provisions of these regulations shall exclude all claims with the date of accident, the date of diagnosis of a disease and date of death which occurred prior to the effective date in terms of proclamation of Act 10 of 2022.

(c) Claims reported in terms of sections 38, 39 and 43 after a 3-year period from the date of accident, date of diagnosis of a disease or date of death, shall prescribe and not be considered.

(d) Claims for Domestic Employees shall be considered retrospectively to 27 April 1994, whether they were reported or not: however, such claims must be reported to the

Compensation Commissioner within three years from the effective date in terms of the proclamation of Act 10 of 2022.

3. Reporting

- a) An employee shall be deemed to have reported an accident in terms of section 38 in the prescribed manner by completing and submitting a duly completed form W.Cl.3 (Notice of accident and claims for compensation) or W.Cl.14 (Notice of occupational disease and claims for compensation).
- b) An employer shall be deemed to have reported an accident in terms of section 39 to the Compensation Commissioner in the prescribed manner by completing and submitting a duly completed form W.Cl.1 (An Employer's report of occupational disease) or W.Cl.2 (Employer's report of an accident).



MR TW NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 25/04/2024

**COMPENSATION FOR OCCUPATIONAL INJURIES AND
DISEASES ACT, 1993 (ACT NO 130 OF 1993)**


REGULATIONS ON CHAPTER XA INSPECTION

I, Thembelani Waltermade Nxesi, Minister of Employment and Labour, after consultation with the Compensation Board, hereby make the following attached regulations for public comment in terms of Section 97 of Compensation for Occupational Injuries and Diseases Act, 1993 (Act No 130 of 1993) as amended. The proposed regulations are attached as Schedule A.

**REGULATIONS
FOR PUBLIC COMMENTS**

These regulations are issued regarding inspections in terms of Chapter XA.

Interested persons are invited to submit any substantiated comments in writing on the proposed regulations within 30 days from the date of publication hereof to the Department of Employment and Labour, Compensation Fund 167 Thabo Sehume Street, Delta Heights, Pretoria, 0001 or Kaizer.Makgamatha@labour.gov.za



MR TW NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 25/04/2024

SCHEDULE A

Definition of regulation

In these regulations, "the regulations" means the regulations relating to inspections, compliance and enforcement under the Compensation for Occupational Injuries and Diseases Act, 1993; and any word or expression to which a meaning has been assigned in these regulations shall have that meaning unless the context otherwise indicates.

TABLE OF CONTENTS:

1. DEFINITIONS.....	3
2. Notice of accident by employer to Commissioner (Section 39).....	Error! Bookmark not defined.
3. Inquiry by Commissioner into accident (Section 40).....	Error! Bookmark not defined.
4. Certain compensation to employers prohibited (Section 64).....	Error! Bookmark not defined.

SCHEDULE A

REGULATIONS ON CHAPTER XA INSPECTION, COMPLIANCE AND ENFORCEMENT

1. DEFINITIONS

"Particulars" means any information, book, document or thing that in the opinion of the Compensation Commissioner may be considered as relevant for the administration of the COID Act.

"Letter of good standing" means a valid letter of employer's compliance with Sections 80, 82, 83, 86, and 87 of the Act issued by Compensation Commissioner.

- 1) An Inspector appointed in terms of Section 93A shall be issued with a certificate bearing:
 - (a) Full names of the Inspector;
 - (b) Employee Persal number; and
 - (c) Date of appointment;
- 2) When conducting inspections in terms of Section 93B, an Inspector may advise employees of their rights and obligations in terms of the COID Act which includes amongst others;
 - (a) The obligation to report an incident in terms of the COID Act to her/his employer within the prescribed period;
 - (b) The right to receive benefits or compensation;
 - (c) The right of employees to object to a decision of the Compensation Commissioner in terms of Section 91;
 - (d) The right to request the Compensation Commissioner to vary a decision in terms of section 90;
 - (e) The employee has an obligation to submit themselves for medical examination for any occupational injury or disease suffered; or
 - (f) The obligation to submit any information related to incident.
- 3) When conducting an inspection in terms of Section 93B, an Inspector may advise employers of their rights and obligations in terms of the COID Act which includes amongst others;
 - (a) The obligation to register with the Compensation Fund in terms of Section 80 of the COID Act;
 - (b) The obligation to keep records in terms of the Act;
 - (c) The obligation to submit annual returns to the Compensation Fund in terms of the COID Act in order to be assessed in terms of Section 82;
 - (d) The employers right to be assessed by the Compensation Commissioner on the earnings and related information declared;
 - (e) The employer's obligation to pay any assessments, fees, penalties or any other monies due to the Compensation Fund;
 - (f) The employers right to be refunded for any amounts or monies due in terms of the Act;
 - (g) The right of employers to object to a decision of the Compensation Commissioner in terms of Section 91; or

- (h) The right to request the Compensation Commissioner to vary a decision in terms of section 90.
- 4) Investigation of complaints in terms of Section 93B (1)(c):
 - (a) Notify the employer of the complaint and request the employer to provide detailed reports or make written representations;
 - (b) The employer's obligation to comply to any notices and related stipulated due dates as informed by the Inspector;
 - (c) Notify the employer of planned site visits in order to conduct further investigation on the complaint, detailing the date, time and where possible the information or records required;
 - (d) The employer's right to attend or assign an official to attend such site visits by the Inspector;
 - (e) The Inspector may, upon expiry of the notification period in terms of Section 93F or finalisation of the inspection, issue the employer with a compliance notice and subsequent order of court; and
 - (f) The employer's right to communication of the outcome of any enquiry, investigation, site inspection or audit.
- 5) Investigation of non-compliance in terms of Section 93F (2)(b)
 - 5.1 An Inspector may, after issuing the compliance order, conduct an investigation with the employer to determine the extent of non-compliance in terms of,
 - 5.1.1 Sections 39(6) and 39(8) with regards to failure to notify the Compensation Commissioner of an accident; and failure to report in the prescribed manner of an accident;
 - 5.1.2 Section 40(2) with regards to failure to furnish The Compensation Commissioner with the particulars of the accident;
 - 5.1.3 Section 47(3)(a) with regards to the employer's failure to pay Temporary Total Disablement to the employee;
 - 5.1.4 Section 51 with regards to the confirmation of earnings for the purposes of establishing benefits payments;
 - 5.1.5 Section 56 with regards to incidents of negligence of the employer that contributes to accidents or diseases;
 - 5.1.6 Section 64(1) with regards to the unauthorised deductions of employee earnings;
 - 5.1.7 Section 68(2) with regards to the notification of an occupational disease to the Compensation Commissioner; or
 - 5.1.8 Section 87 with regards to the failure of the employer to pay an assessment or failure to register and provide particulars in support of accident.
- 6) Inspection to confirm or ensure compliance:
 - (a) Notify the employer of the purpose of the compliance inspection;
 - (b) The employers' obligation to comply with the inspection notice;
 - (c) Notify the employer of planned site visits in order to conduct inspections, detailing the date, time and where relevant the information or records required;
 - (d) The employer's right to attend or assign an official to attend such site visits by the Inspector;
 - (e) The employer's right to communication of the outcome of any enquiry, investigation, site inspection or audit
- 7) Notice period

- (a) The Inspector shall for the purpose of investigations in terms of regulation 4 above, give the employer 14 days' notice to comply with the request for representation; and
 - (b) The Inspector shall, for the purpose of inspection in terms of regulation 5 above, give the employer 14 days' notice of its intention to conduct such inspection.
- 6 The employer may upon application, request The Compensation Commissioner to consider to grant an extension of not more than 7 additional days in order to comply with the request of the Inspector



MR TW NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 25/04/2024

**COMPENSATION FOR OCCUPATIONAL INJURIES AND
DISEASES ACT, 1993 (ACT NO 130 OF 1993)**

**PUBLICATION OF THE DRAFT REGULATION FOR THE REGISTRATION OF
THIRD PARTY THAT ARE TRANSACTING WITH THE COMPENSATION FUND
FOR PUBLIC COMMENT**

I, Thembelani Waltermade Nxesi, Minister of Employment and Labour, after consultation with the Compensation Board, hereby make the following attached regulations for public comment in terms of Section 97 of Compensation for Occupational Injuries and Diseases Act, 1993 (Act No 130 of 1993) as amended (Hereinafter referred to as 'the Act'). The proposed regulations are attached as Schedule A. The regulations are issued regarding the third parties who transact with the Compensation Fund in relation to the administration of the Act in terms of section 73(4)

Interested persons are invited to submit any substantiated comments in writing on the proposed regulations within 30 days from the date of publication hereof to the Department of Employment and Labour, Compensation Compensation Fund 167 Thabo Sehume Street, Delta Heights, Pretoria, 0001 or to Dolly.Nkabinde@labour.gov.za and to

Nobantu.Morrison@labour.gov.za



**MR. TW. NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 25/04/2024**

SCHEDULE A
REGULATIONS

Definition of regulation

In these regulations, "the regulations" means the regulations relating to the third parties that are transacting with Compensation Compensation Fund (hereinafter referred to as 'the Compensation Fund') under the Compensation for Occupational Injuries and Diseases Act, 1993; and any word or expression to which a meaning has been assigned in the regulations shall have that meaning unless the context otherwise indicates

TABLE OF CONTENTS:

1. Purpose
2. Definitions
3. Requirements for Medical Service Provider registration with the Compensation Compensation Fund;
4. Requirements for Employer representative registration with the Compensation Compensation Fund
5. Terms and Conditions for transacting with the Compensation Fund
6. Supporting documentation
7. Handling of documents and medical invoices
8. Renewals
9. Suspension or Termination of Third Party Registration.
10. Verification of Third Party Business Process
11. Compensation Compensation Fund Audit Requirements
12. Submission of Third party registration documents.

1. PURPOSE:

Section 73(4)(a) and (b) requires that all third parties that transact with the Compensation Fund must be registered with the Compensation Fund as prescribed in these regulations especially those that submit medical invoices on

behalf of medical service providers for processing by the Compensation Fund.

2. DEFINITIONS

"Medical invoice or claim" means a summary of fees of services provided to employees as defined in the Act;

"Medical Service providers" means a person who provides health services in terms of the law, including doctors, nurses, and health facilities;

"Registration" means a process of informing the Compensation Fund of the existence of a third party that represents medical service provider;

"Supporting claim documents" means official forms that are prescribed by the Compensation Fund that must be submitted with medical invoices;

"Third party" means an individual or company that has been given a power of attorney, proxy appointment or a service level agreement by medical service provider or employer to transact on their behalf with the Compensation Fund.

3. REQUIREMENTS FOR MEDICAL SERVICE PROVIDER REGISTRATION WITH THE COMPENSATION FUND

- 3.1 For a company or individual to register as a third party, the following shall be required:
- 3.1.1 A completed third party registration form.
 - 3.1.2 a certified copy ID of the owner of the company (individual/third party)
 - 3.1.3 Valid CIPC documents
 - 3.1.4 Valid Letter of good standing / tender letter
- 3.2 An administration fee of R1000.00 is payable when applying for registration as a third-party administrator or pre-Compensation Funder of medical invoices with the Compensation Fund.
- 3.3 On receipt of complete documents, the Compensation Fund will respond with confirmation of registration within 21 working days.
- 3.4 A third party must be capable of obtaining original the Compensation Fund claim documents and medical invoices from medical service providers, with the permission from the medical service provider to submit the documents and invoices on their behalf for processing.

4. REQUIREMENTS FOR EMPLOYER REPRESENTATIVES REGISTRATION WITH THE COMPENSATION FUND

- 4.1 An employer representative appointed and acting on behalf of an employer must fulfil the following registration criteria,
- 4.1.1 complete the online registration process at www.labour.gov.za online services.
- 4.1.2 duly complete form sign and upload through the online registration process.
- 4.1.3 The Compensation Fund shall upon receipt of the registration, consider the information contained in such registration and supporting documents by accepting or rejecting the request for registration.
- 4.1.4 Should the Compensation Commissioner reject the request for registration of third-party employer representative; the reasons for such rejection shall be provided and the third-party employer representative shall be required to submit a new request for registration, with all required supporting documents.
- 4.1.5 Registration as a third party with the Compensation Fund shall be valid for a period of two years and renewable within 3 months of expiry of the valid period.
- 4.1.6 The employer representative must be formally appointed by the employer/s by way of a duly signed power of attorney for each employer represented; the power of attorney which must confirm the period of validity. The duly signed power of attorney documents for each employer must be uploaded on the representative's online profile and to produce duly certified copies on demand.
- 4.1.7 Sign and submit declaration with a list of all employers represented; together with each employer's section 89 subcontractors.
- 4.1.8 Ensure that each employer represented is duly registered and compliant with all employer obligations in terms of the Act and keep all records as required by the Compensation Fund in terms of the Act.
- 4.2 An employer representative as defined as an employer in terms of the Act; must be duly registered with the Compensation Fund as an employer and maintain its good standing in terms of all applicable prescribed compliance obligations.

5 TERMS AND CONDITIONS FOR TRANSACTING WITH THE COMPENSATION FUND

- 5.1 The Compensation Fund reserves the right to register only a third party that fully meets the requirements as set out in regulation 3 and 4 above.
- 5.2 The Compensation Fund may suspend or withdraw the registration if a registered third party does not comply with the provisions of Compensation for Injuries and Diseases Act, its regulations, and all its policies.
- 5.3 If the third party submits incomplete registration forms or required supporting

documents may not be accepted or acknowledged for registration.

- 5.4 The registration as a third party with the Compensation Fund shall be valid for 2 years and a new application must be submitted 3 months before the end of the term for the next 2 years.
- 5.5 A medical service provider who treated an occupational injury or disease is legally accountable for all medical claims and reports submitted to the Compensation Fund on their behalf by a third party. As such the Compensation Fund reserves the right to contact the medical service provider directly in relation to any claims that have been lodged or submitted to the Compensation Fund by a third party.
- 5.6 The Compensation Fund may request access to a third party's Type 1 or Type 2 audit report from a third party and the third party shall be obliged to provide the audit report.
- 5.7 Prior to submitting invoices, a third party must ensure that medical service providers contracted to it are registered and compliant with the relevant statutory and health professional organizations, during the period(s) of service for which they are submitting invoices. Medical invoices of medical service providers who are not in good standing with their relevant statutory health professional organization shall not be processed by the Compensation Fund.
- 5.8 The Compensation Fund shall not provide or disclose any information for services rendered by the medical service provider prior to the commencement of a contract between medical service provider and a third party. A third party must obtain the information from the medical service provider.
- 5.9 The Compensation Fund may cancel a third party's registration where it no longer complies with the registration requirements.
- 5.10 The Compensation Fund may not accept medical invoices manually or electronically if there are monies owed to the Compensation Fund by a third party or a medical service provider unless the third party has made suitable arrangements to settle the debt.

6 SUPPORTING DOCUMENTATION

- 6.1 The third party must comply with the following requirements when administering COIDA matters on behalf of employers:
 - 6.1.1 valid, originally certified copies of the Identity documents of the directors;
 - 6.1.2 valid, originally certified CIPC certification;
 - 6.1.3 proof of premises of business operations; and
 - 6.1.4 maintain an original and valid power of attorney/mandate documents for each employer

- 6.2 The third party must keep such records in their original state as received from employers and must furnish the Compensation Commissioner with such documents on request.

7. HANDLING OF DOCUMENTATS AND MEDICAL INVOICES

- 7.1 A third party must comply with the following requirements when administering medical claims on behalf of their valid contracted medical service providers.

- 7.2 A third party must:

- 7.2.1 keep the documents or data in the original format as obtained from the medical service provider as the medical service provider is accountable for the nature of treatment provided to the employee;
- 7.2.2 provide the Compensation Fund with such documents within 24 hours when requested to do so for verification and audit purposes;
- 7.2.3 comply with the annual Gazette medical billing requirements, procedures and medical invoices submission channels;
- 7.2.4 report any irregularities, financial or procedural, identified in all Compensation Fund processes for corrective measures to be implemented. The Compensation Fund will take necessary corrective steps;
- 7.2.5 provide all legal and financial supporting documents to the Compensation Fund on request;
- 7.2.6 make relevant to the Compensation Fund for all due or incorrect financial transactions or payments of invoices to prevent deregistration by the Compensation Fund;
- 7.2.7 ensure that all medical information about COID patients employees received from medical service providers is kept confidential in terms POPIA and protected against improper disclosure and only used for Compensation Fund purposes;
- 7.2.8 not submit duplicate invoices to the Compensation Fund.
- 7.2.9 The third party shall be liable for all duplicate payments made from submission of already paid medical invoices.
- 7.2.10 Any alterations or editing of original medical invoices from MSP is prohibited. This includes the invoice number and the detailed line items;
- 7.2.11 Original medical invoices and medical reports supporting claims must be submitted on the medical service provider's letterhead to the Compensation Commissioner and not that of a third party.

8. RENEWALS

The third party must renew their registrations with the Compensation Commissioner every two years.

9. SUSPENSION OR TERMINATION OF THIRD-PARTY REGISTRATION

9.1 The Compensation Commissioner may suspend or withdraw the registration of a third party:

9.1.1 If a registered third party does not comply with the COIDA, its regulations, and all its policies;

9.1.2 If the registered third party or its directors are found to have conducted themselves in a manner that creates a conflict of interest between the third party and its represented employers; or

9.1.3 If the third party is placed under sequestration or placed under business rescue and the business rescue practitioner has not proven that the business of the third party can be rescued.

9.2 The employers represented are not compliant in terms of the Act; including the represented employers' contractors who are non-compliant in terms of section 89.

10. VERIFICATION OF THIRD-PARTY BUSINESS PROCESSES

10.1 A third party must be available for physical location or virtual meetings for the following reasons:

10.1.1. a review of its medical claims and invoices processes.

10.1.2. for a systems' demonstration for audit purposes;

10.1.3. comparison of electronically submitted medical invoices with originals received from the medical service providers, and

10.1.4. meeting with internal or external auditors of the Compensation Fund.

11. COMPENSATION FUND AUDIT REQUIREMENTS

11.1 The employer representatives, including employers represented may be subject to audit on the processes on compliance obligations in terms of the Act.

11.2 A third party must avail themselves for engagements with the Compensation

Commissioner for the following reasons:

- 11.1.1 meeting with Compensation Fund management;
- 11.1.2 meeting with internal or external auditors on their Compensation Fund function.



MR TW NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 25/4/2024.