

22 May 2020

Dear Valued Member

COMPENSATION FOR WORKPLACE ACQUIRED COVID-19 VIRUS DISEASE

This serves to advise members that the Department of Employment and Labour has now issued a Directive that applies to all employers with regard to their obligations in reporting cases where an employee has contracted the COVID-19 disease at the workplace. This Directive became effective on the date of promulgation.

The process is very similar to the usual reporting of Injuries-On-Duty (IOD).

Should the reported case be approved by the Compensation Fund, funds will be released by the Fund to the employee to alleviate his or her financial losses suffered as a result of contracting the virus. It is therefore of cardinal importance - for both the employer and the employee - that the claim is not delayed or rejected due to unsatisfactory reporting.

In line with Section 65(1)(b) of the COID Act, the Directive refers to “Workplace-acquired COVID-19” as the instance when an employee contracts COVID-19 whilst carrying out his or her duties regardless if it is at the work premises or not. Important to note is that this Directive also outlines criteria which to consider if COVID-19 was workplace-acquired.

This Directive further assigns different risk levels to different occupation categories. These categories serves as a guideline to assist employers in their risk assessments:

- Very High Risk Exposure – Healthcare workers, laboratory employees and morgue employees.
- High Risk Exposure – Healthcare support employees, medical transport employees and funeral parlour.
- Medium Exposure Risk – These are occupations that amongst others require frequent interaction within 2 meters with other individuals.
- Low Exposure Risk – Those occupations that does not require any contact with people. Minimal contact with public or fellow employees.

The Directive identifies various benefits.

The Temporary Total Disablement Benefit shall be paid for as long as such disablement continues, but not for a period exceeding 30 days. This benefit will cover:

- Suspected and Unconfirmed Cases – Where an employee is suspected of being infected with COVID-19 but unconfirmed, the employer is liable to remunerate the employee for the days absent, on condition that the employee produces a medical certificate/report recommending self-quarantine.

- **Confirmed Cases** – For confirmed cases and where the Compensation Fund has accepted liability, temporary total disablement shall be paid from the date of diagnosis up to 30 days. Where there are complications, the Commissioner has a right to review the case.

Compensation for the Temporary Total Disablement Benefit is calculated at 75% of the employee's earnings at the time of the incident to a maximum compensation of R28 658. Attached is Schedule 4 of the COID Act for reference purposes.

Permanent Disablement Benefits – In an instance where there are complications, the Commissioner has a right to assess each case on merit three months after diagnosis and when Maximum Medical Improvement has been reached in order to determine if there is any permanent disablement.

The Directive further provides for the following benefits in an instance where the Commissioner has assessed cases and determined where there are complications of COVID-19:

- **Medical Aid** shall be provided for a period of not more than 30 days from the date of diagnosis. Further medical aid shall be considered by the Director-General if it will reduce the extent of the disablement.
- **Death Benefits** – Reasonable burial expenses, widow's/widower's and dependent's pensions shall be payable, where applicable.

The documentation that should be submitted to the Compensation Commissioner are **attached to this Monitor. In addition, the documentation must be accompanied by a medical report** on the employee's symptoms that details the history, establishes a diagnosis of COVID-19 and laboratory results and chest radiographs, where appropriate, or any other information relevant to the claim.

Online and Manual Claims: Must be made through the following channels of Rand Mutual Assurance, indicating the correct emergency ICD-10 code – U07.1:

- Online: CompCare - www.randmutual.co.za
- Manual: contactcentre@randmutual.co.za or phone 086 022 2132

It is important to note that the Compensation Commissioner shall consider and adjudicate upon the liability of all claims; and that the Medical Officers in the Compensation Commissioner's Office are responsible for medical assessment of claims and confirmation of the acceptance or rejection of claims.

This Directive shall remain in operation for as long as the declaration of the COVID-19 in terms of the National Disaster Management Act as a national disaster subsists, or until it is withdrawn by the Minister, whichever comes earlier.