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INDUSTRIAL RELATIONS

COID

-WHO AND HOW?-

The Compensation for Occupational Injuries and Diseases Act (“COID” hereinafter) establishes a statutory body, or fund, with the aim of rendering financial aid to injured employees. But the inner workings of this fund can sometimes seem mysterious. We will provide (in this issue) a basic outline of how COID works as well as who may claim and (in next month’s issue) what they may claim for as well as what the claim procedure requires.

COID offers protection to all employees who are under a contract of employment. It aims to pay benefits either to that employee (in the case of

disabling injury or illness) or to his/her dependents (should the employee die) during the course of performing any duties associated with employment. This is set out in section 22(1) of COID.

Who is able (and entitled) to claim from COID is a persistent and important question.

The Act provides that both casual and full-time employees are entitled to claim from COID on condition that the respective employee is injured, disabled, dies, or becomes ill due to an accident that occurred at his workplace during the execution of his/her duties or if it is due to a work-related disease. The Act provides that compulsory compensation must be paid for death or personal injury at work.

Almost all employees are covered by COID, irrespective of their earnings. However, it must be kept in mind that an

employee earning more than the annual earnings threshold (currently R205,433.30 per annum) will be assessed as if they were only earning the threshold amount.

Certain classes of employees cannot claim from the fund and, if they were to claim, the fund will reject these claims. These include domestic workers employed at a private home; members of the South African National Defense Force; members of the South African Police Services; subcontracted employees; and workers working outside South Africa for more than 12 months at a time.

Only claims that are submitted in the correct way and within the prescribed time limits will be paid. COID will under no circumstances honor claims submitted more than 12 months after the accident / death of the employee or the date of diagnoses of the occupational disease. It also does not cover employees who are absent for 3 days or less, even should the reason for the absence normally serve to qualify that employee for a benefit.

In the event it is found that the accident was due to the employee's willful and serious misconduct, COID will only pay out if the accident also results in the employee being severely disabled or if the employee dies and leaves a dependent behind who was solely dependent on the employee. Similarly, should an employee unreasonably refuse to go for medical treatment, such employee's claim will not be honored.

COID only honors claims for disability in the form of loss of movement or loss of the use of the body and does not take into account any type of pain and suffering. The types of compensation an employee can claim have been divided into different categories, being Temporary Disability; Permanent Disability; Death and Medical Expenses.

Check back on our newsletter next month for the definition of these categories as well as the limits of their compensation. We will also shed some light on the completion of the correct forms and the duties and obligations of both employer and employee in that process.