



labour

Department:
Labour
REPUBLIC OF SOUTH AFRICA



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Basic Guide to Payment of Compensation for Disablement

The Compensation Commissioner determines the compensation payable based on medical evidence.

Application

The Compensation for Occupational Injuries and Diseases Act applies to:

- all employers; and
- casual and full-time workers who, as a result of a workplace accident or work-related disease:
 - are injured, disabled, or killed; or
 - become ill.

This excludes -

- workers who are totally or partially disabled for less than 3 days;
- domestic workers;
- anyone receiving military training;
- members of -
 - the South African National Defence Force, or
 - the South African Police Service;
- any worker guilty of wilful misconduct, unless they are seriously disabled or killed;
- anyone employed outside the RSA for 12 or more continuous months; and
- workers working mainly outside the RSA and only temporarily employed in the RSA.

See

- Compensation for Occupational Injuries and Diseases Act

Workers who are affected by occupational injuries and diseases are entitled to compensation

Temporary or Partial Disablement

Workers who are temporarily or partially disabled receive 75% of their pay from the date of the accident or disease diagnosis until their condition is stabilised or they are fit to go back to work..

Employers must **pay compensation for 3 months** from the accident or diagnosis date and then claim these payments back from the Compensation Fund.

Duration of Payments

Compensation is no longer paid when workers -

- are able to work again; or
- receive compensation for permanent disablement.

Based on legislation in Section 43, Section 47, Section 48, of the Compensation for Occupational Injuries and Diseases Act

Permanent Disablement

Compensation is payable for any impairment of function, loss of limb or any permanent defect as a result of the injury or disease.

Depending on the degree of disablement, compensation may take the form of lump sum or monthly pension payments.

The degree of disablement is determined by the Compensation Commissioner, based on Schedule 2 of the Act, which provides a list of injuries and the associated degree of disablement.

Lump Sum Payments

A lump sum is paid when permanent disablement is 30% or less.

The formula for 30% is:

15 X worker's pay (up to a maximum of less than 30% calculated proportionally) **X degree of disablement ÷ 30.**

Pension Payments

Pension is paid when the degree of permanent disablement is between 31% and 100%.

The formula is:

75% of worker's pay X degree of disablement ÷ 100.

Based on Legislation in Section 49 of the Compensation for Occupational Injuries and Diseases Act