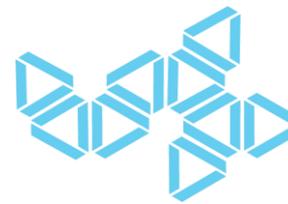


RMAA

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Compensation for Occupationally Acquired Novel Coronavirus Diseases (COVID-19)





OCCUPATIONALLY ACQUIRED NOVEL CORONAVIRUS DISEASES (COVID-19)

1. INTRODUCTION

The Department of Employment and Labour has unveiled its guidelines to deal with COVID-19 at workplaces within the context of the Occupational Health and Safety (OHS) Act of 1993. The OHS read with the Hazardous Biological Agents Regulations issued in terms of section 43 of the OHS obliges the employer to provide and maintain as far as is reasonably practicable a working environment that is safe and without risks to the health of employees.

All employers are required to review current risk assessments before implementing control measures considering the new hazards posed by exposure to COVID-19 in the workplace.

In response to this, RMA has prepared this circular in order to assist employers, employees and healthcare providers with clarity on what constitutes an occupational disease within the context of the COVID 19 pandemic and the process of submitting the claim in accordance with Compensation of Injuries and Diseases Act, 130 of 1993 (COIDA).

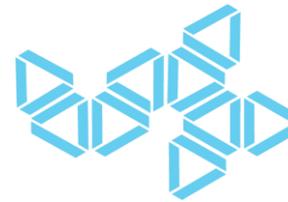
2. DIAGNOSIS AND ACCEPTANCE OF LIABILITY UNDER COIDA

Diagnosis will be done based on the following factors:

- 2.1.1 Occupational exposure to a known source of COVID-19;
- 2.1.2 A reliable diagnosis of COVID-19 as per the WHO guidelines;
- 2.1.3 An approved official trip and travel history to countries and/or areas of high risk for COVID-19 on work assignment;
- 2.1.4 A presumed high-risk work environment where transmission of COVID-19 is inherently prevalent; and
- 2.1.5 A chronological sequence between the work exposure and the development of symptoms.

Confirmatory tests

- Sputum, nasopharyngeal or throat swab specimen collected from all patients at admission tested by real time polymerase chain reaction (PCR) for SARS-Cov-2 RNA performed within three hours of collection.



3. CLAIMS

3.1 REPORTING REQUIREMENTS

Employers are obliged to report all occupationally acquired COVID 19 cases in the prescribed format within 14 days of receipt of notice from the affected employees. This report should include all the relevant exposure, medical and earnings information pertaining to the claims in line with the requirements of section 65 of COIDA.

3.1.1 First Medical Report in respect of an Occupational Disease indicating U07.1 as the ICD-10 code for COVID-19

3.1.2 Exposure History and/or any other appropriate employment history which should include any information that will be helpful to the adjudication of the claim.

3.1.3 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.

3.2 ADJUDICATION

All claims for potential occupationally acquired COVID 19 will be treated as prescribed in section 65 and 66 of COIDA which for the sake of clarity reads as follows:

65. Compensation for occupational diseases

1) Subject to the provisions of this Chapter, an employee shall be entitled to the compensation provided for and prescribed in this Act if it is proved to the satisfaction of the Director-General--

- a. that the employee has contracted a disease mentioned in the first column of Schedule 3 and that such disease has arisen out of and in the course of his or her employment; or*
- b. that the employee has contracted a disease other than a disease contemplated in paragraph (a) and that such disease has arisen out of and in the course of his or her employment.*

2) If an employee has contracted a disease referred to in subsection (1) and the Director-General is of the opinion that the recovery of the employee is being delayed or that his temporary total disablement is being prolonged by reason of some other disease of which the employee is suffering, he may approve medical aid also for such other disease for so long as he may deem it necessary.

3) If an employee has contracted a disease referred to in subsection (1) resulting in permanent disablement and that disease is aggravated by some other disease, the Director-General may in determining the degree of permanent disablement have regard to the effect of such other disease.

4) Subject to section 66, a right to benefits in terms of this Chapter shall lapse if any disease referred to in subsection (1) is not brought to the attention of the commissioner or the employer or mutual association concerned, as the case may be, within 12 months from the commencement of that disease.



5) For the purposes of this Act the commencement of a disease referred to in subsection (1) shall be deemed to be the date on which a medical practitioner diagnosed that disease for the first time or such earlier date as the Director-General may determine if it is more favourable to the employee.

6) The provisions of this Act regarding an accident shall apply *mutatis mutandis* to a disease referred to in subsection (1), except where such provisions are clearly inappropriate.

66. Presumption regarding cause of occupational disease

If an employee who has contracted an occupational disease was employed in any work mentioned in Schedule 3 in respect of that disease, it shall be presumed, unless the contrary is proved, that such disease arose out of and in the course of his employment.

4. BENEFITS

4.1 Temporary total disablement (TTD)

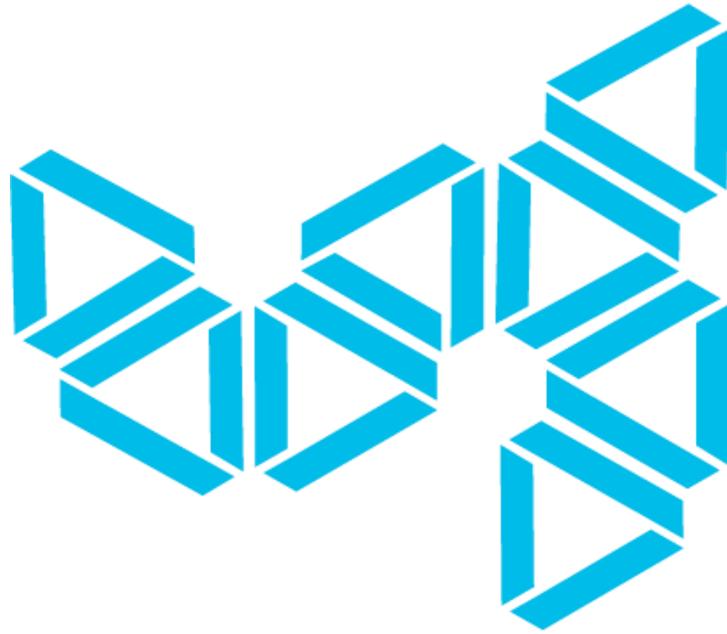
Payment for temporary total disablement shall be made for confirmed COVID-19 for as long as such disablement continues or Maximum Medical Improvement has been reached, but not for a period exceeding 24 months.

4.2 Medical Aid

In all accepted cases 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 will be considered if it will reduce the extent of the disablement.

4.3 Death Benefits

Reasonable burial expenses, widow's and dependent's pensions shall be payable, where applicable, that means if the cause of death has direct nexus to the reported COVID-19 claim.



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