

No. 39

27 January 2010

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT,

1993

(ACT No. 130 OF 1993), AS AMENDED

AMENDMENT OF SCHEDULE 4 OF ACT No. 130 OF 1993

The Minister of Labour intends to amend Schedule 4 in terms of section 55 of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993), with effect from 1st April 2010.

SCHEDULE 4

MANNER OF CALCULATING COMPENSATION

(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)
Item	Section	Nature and degree of disablement	Nature of benefits	Manner of calculating benefits	Recommended maximum compensation per month	Recommended minimum compensation per month
1.	47(1)(a)	Temporary total disablement	Periodical payments	75% of an employee's monthly earnings at the time of the accident.	R16 400	R2 100
2.	49(1)	Permanent disablement of 30%	Lump sum	15 times the monthly earnings of the employee at the time of the accident.	R183 400	R45 800
3.	49(1)	Permanent disablement of less than 30%	Lump sum	An amount which bears to a lump sum calculated under item 2 the same proportion as the degree of permanent disablement to 30%.		
4.	49(1)	Permanent disablement of 100%	Monthly pension	75% of and employee's monthly earnings at the time of the accident	R16 400	R 2 300

(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)
				subject to maximum and minimum compensation of		
5.	49(1)	Permanent disablement of less than 100% but more than 30%	Monthly pension	A monthly pension which bears to a pension calculated under item 4 the same proportion as the degree of permanent disablement to 100%.		
6.	54(1)(a)	Fatal	Lump sum	Twice the employee's monthly pension that would have been payable to the employee under item 4 had he been totally permanently disabled.	R 32 800	R 4 600
7.	54(1)(b)	Fatal	Monthly pension	40% of the monthly pension that would have been payable to the employee under item 4 had he been totally permanently disabled.	R 6 600	R 900
8.	54(1)(c)	Fatal	Monthly pension	20% of the monthly pension that would have been payable to the employee under item 4	R 3 300	R 500

(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)
				had he been totally permanently disabled, to each child.		
9.	54(1)(d)(ii)	Fatal	Lump sum	Percentage dependence as portion of R95 200,00		
10.	54(2)	Fatal	Funeral costs	A reasonable amount for funeral costs to a maximum of R12 300, 00 or the actual amount, whichever is the lesser.		
11.	63(1)(a)	Minimum for free food and quarters	To be included in earnings	Minimum for free food R170, 00 per month and minimum for free quarters R75.00 per month.		
12.	28	Constant attendance allowance	Monthly allowance	Minimum amount of R1300.00 per month		R1 300

Any person, who wishes to comment on the proposed amendments, should submit such comments in writing to the Compensation Commissioner, P O Box 955, Pretoria, 0001, not later than 01 February 2010.


M M S MDLADLANA
MINISTER OF LABOUR