

NAVIGATING THE NEW COID ACT: ALIGNING THE COMPENSTION FUND & LICENCEES

2023



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA



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OVERVIEW OF CHANGES AND KEY PROVISIONS OF THE NEW ACT

- The new COID ACT introduces several important changes and key provisions that have significant implications for employers and employees.
- Definition of an accident
- Assessment of Disablement in accord in accordance with sections 47 and 49 of the act.
- Inclusion of Section 70A: Rehabilitation Expenses
- Expanded Compensation Coverage
- Constance Attendance Care & Funeral Costs
- Inclusion of Domestic Workers
- Licensees and Legal Persons
- New Chapter on Rehabilitation, Reintegration and Return to Work

COID SERVICES

Understanding the implications of COID Amendment Act and the Work Plan

Not Started
 Delayed/Off Track
 In Progress/On Track
 Completed

ACTIONS	SECTION	POLICY IMPLICATION	TIMELINE	PROGRESS	PERSON RESPONSIBLE	RAG
Update SOPs	1	N	30 September 2023	All compensation benefits SOPs are being reviewed for alignment of changes in definitions	COID	<div style="width: 15px; height: 15px; background-color: #f90; margin: 0 auto;"></div>
Align application of earnings to Fourth Schedule of the Income Tax Act	1g	Y	30 September 2023	Investigating implications of earnings as defined the fourth schedule	COID	<div style="width: 15px; height: 15px; background-color: #444; margin: 0 auto;"></div>
Alignment of financial year	1l	Y	30 October 2023		COID	<div style="width: 15px; height: 15px; background-color: #444; margin: 0 auto;"></div>
Develop Compliance Orders and processes of implementation up to prosecutions	Ch XA	Y	30 October 2023	Draft compliance orders and regulations are complete and being reviewed by Legal Services	COID	<div style="width: 15px; height: 15px; background-color: #f90; margin: 0 auto;"></div>
Develop Regulations						<div style="width: 15px; height: 15px; background-color: #444; margin: 0 auto;"></div>
Determine system requirements and case management requirements/reporting						<div style="width: 15px; height: 15px; background-color: #444; margin: 0 auto;"></div>
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COID SERVICES

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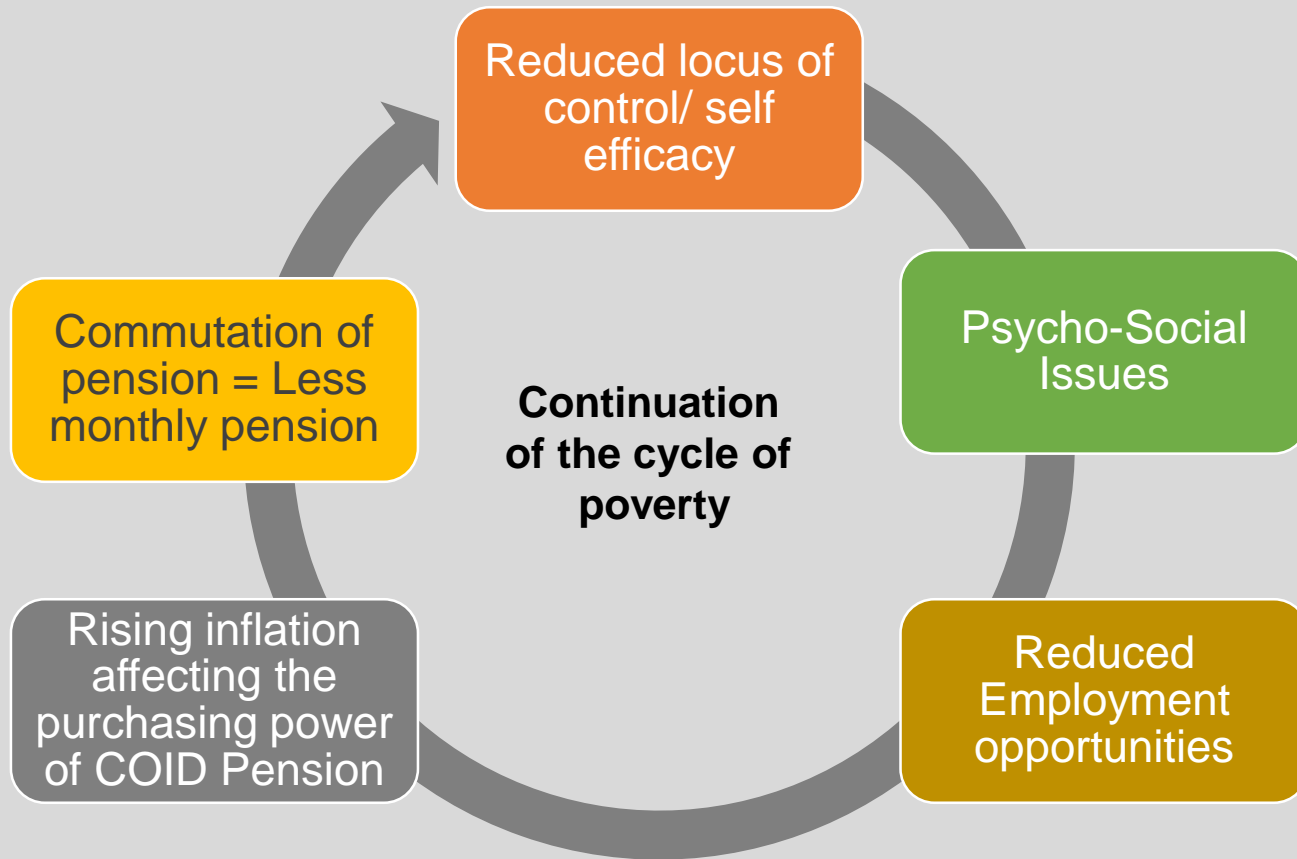
Actions	SECTION	POLICY IMPLICATION	TIMELINE	PROGRESS	PERSON RESPONSIBLE	RAG
Prescription	44	Y	30 September 2023	Draft regulations are complete and being reviewed by Legal Services	COID	■
Develop criteria for third party registration	73	Y	30 September 2023	Drafting of regulation in progress	COID	■
Employer to keep records for 5 years Update S85 policy to include rebates to employer participating in rehabilitation	81/85	Y	30 September 2023	Drafting of regulation in progress pending finalization of an actuarial study to inform the S85 regulations and policy	COID	■
Define the application of penalties for instances of non-compliance as it relates to S39, 40, 47, 64, 68, 81. 82, 83	99	Y	30 September 2023	Drafting of regulations in progress Updating of SOPs and process/controls for implementation of penalties	COID	■
Determine criteria and system requirements for prescription period for domestic worker claims	Transitional arrangements	Y	30 September 2023	Review and update previous Notice into regulations to include and outline the prescription period. Draft regulations for the prescription period is complete and	COID	

Chapter VII: Rehabilitation, Reintegration and Return-to-Work

Rehabilitation, Re-integration and Return-to-Work Chapter VII

- In order to address amongst the tendency on part of some employers to dismiss employees on the basis of occupational injuries and or diseases, the new chapter seeks to introduce the concept of multi-disciplinary based process of rehabilitation and reintegration of injured or employees who contracted occupational diseases. This means an employer will have to exhaust all rehabilitation and reintegration processes before laying off an employee.

Life of a worker post an occupational injury and/or disease which resulted in Permanent Disablement



THE SOLUTION

Rehabilitation, Re-integration and Return-to-Work

- A significant lever to deliver greater social value to injured workers, their dependents and the dependents of the fatally injured workers
- It is empowered by the recently passed **COID Amendment Act Chapter VIIA, Employment Equity Act: Code of Good Practice on Employment of Person with Disabilities, ILO Recommendation 99 Vocational Rehabilitation** and the expanded mandate of the Department of **Employment** and Labour.



THE SOLUTION

Rehabilitation, Re-integration and Return-to-Work Programme

Case Management

Clinical Rehabilitation



An active process to ensure that the injured/ diseased workers are being assisted to regain their former or pre-injury abilities, through multi-disciplinary interventions.

Provision of Assistive Medical Devices



Provide assistive technology to restore functionality in people who developed a disability due to occupational injuries or diseases.

Social Rehabilitation



Emphasizes on social functioning by ensuring that an employee attains reasonable level of functional independence in the society.

Vocational Rehabilitation



Seeks to remove **barriers** to accessing/, returning to employment or other useful occupation through skills development, facilitation of placement and facilitation of income-generating initiatives.

SUSTAINABLE DEVELOPMENT GOALS

1 NO POVERTY



2 NO HUNGER



3 GOOD HEALTH



4 QUALITY EDUCATION



8 GOOD JOBS AND ECONOMIC GROWTH



10 REDUCED INEQUALITIES



Primary beneficiaries
COID PWD,
Dependents of COID
PWDs, Dependents
of Fatally Injured
Works

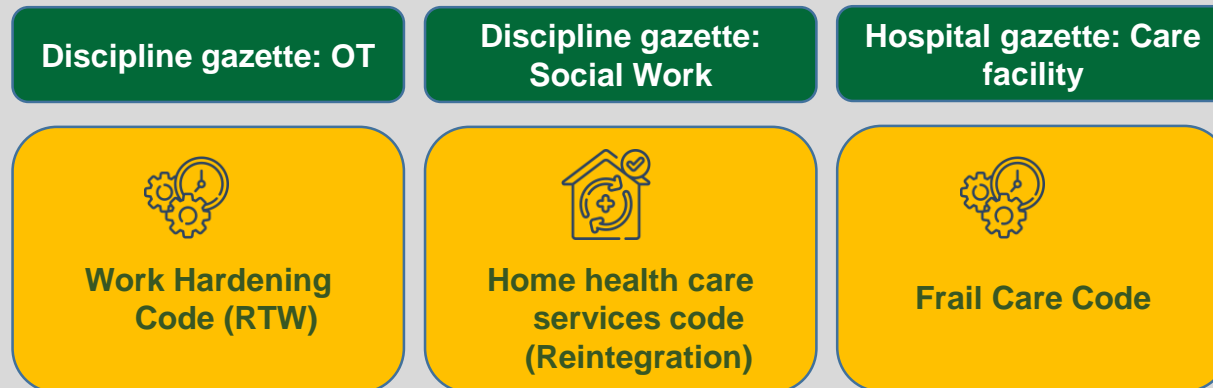


Rehabilitation & Reintegration Expenses

SECTION 70A: Rehabilitation and re-integration


- Provides for clinical, vocational and social rehabilitation

Including





Opportunities

- Driving disability inclusion, preserving jobs and promoting social justice
 - Partnerships with Businesses for job placement opportunities and leveraging on Transformation Innovative Opportunity Creation Programmes through social investments
 - Partnership with municipalities e.g. through indigent household profiling to identify the Unemployed COID Persons with Disabilities, their dependents and depends of fatally injured workers.
- 

Some Highlights



**Nature of disablement
for VRP Participants**
Amputation (Upper and
Lower Limb) | Back
injuries | Traumatic brain
injuries |
Hearing impairment |
Paraplegic | Quadriplegic
| Visual Impairment

Income-Generating Initiative: Poultry Incubation Programme



Income-Generating Initiative: Vegetable Incubation Programme



Income-Generating Initiative: Welding Incubation Programme



MEDICAL BENEFITS

Understanding the implications of COID Amendment Act and the Work Plan

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Actions	SECTION	POLICY IMPLICATION	TIMELINE	PROGRESS PLAN	PERSON RESPONSIBLE	RAG
<p>Develop a unique inhouse medical tariff code for reimbursement of an employee who independently obtains a medical report.</p> <p>Update CF pamphlets</p> <p>The codes and applicable rules will be published in the 2023/2024 government gazette.</p>	41	Y	31 March 2024	<p>Medical billing and coding section has developed the code and is finalising the applicable rules governing this tariff and alignment with systems.</p> <p>The code will be processed according to preauthorization or re-opening processes.</p>	<p>MEDICAL CLAIMS</p> <p>MEDICAL SERVICES</p>	<div style="width: 15px; height: 15px; background-color: #f90; margin: 0 auto;"></div>
<p>Employee submit to medical examination for rehabilitation. Proceed with exiting section 42 processes.</p>	42	N	Implemented	<p>The section 42 medical tariff code is already existing and gazetted. The section 42 process is implemented. The Fund extended this process to Rehabilitation in 2021 by implementing a new medical tariff code for rehabilitation in 2021.</p>	<p>MEDICAL SERVICES</p> <p>LEGAL SERVICES</p>	<div style="width: 15px; height: 15px; background-color: #008000; margin: 0 auto;"></div>

MEDICAL BENEFITS

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Actions	SECTION	POLICY IMPLICATION	TIMELINE	PROGRESS	PERSON RESPONSIBLE	RAG
The third parties transacting with the Fund must register and will be regulated.	73	Y	31 March 2024	A document regulating registration of the third parties with the Compensation Fund has been developed for finalization by 30 September 2023.	MEDICAL CLAIMS	<div style="width: 15px; height: 15px; background-color: #ffc000; margin: 0 auto;"></div>

Thank You...



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