

EMPLOYMENT

Notice on compensation for occupationally-acquired novel corona virus disease (COVID-19)

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On 23 March 2020, the Compensation Commissioner published, by way of Government Gazette, a 'Notice on Compensation for Occupational-Acquired Novel Corona Virus Diseases (COVID-19)' ("Notice"). The Notice came into effect on 23 March 2020. In order to qualify, the occupational acquired COVID-19 disease ("OACD") must have been contracted by an employee in the course of his or her employment.

To be diagnosed an OACD it must be shown that infection occurred following occupational exposure to a known source of COVID-19. There must be a reliable diagnosis of COVID-19, as per the World Health Organisation ("WHO") guidelines. Exposure could have resulted from an approved work trip and travel history to countries and/or areas of high risk for COVID-19 on work assignment or a presumed high risk work environment where transmission of COVID-19 is inherently prevalent. It must be shown, chronologically, that the development of symptoms followed the work exposure.

The "very high risk occupations" include healthcare workers, 'high risk exposure occupations' include healthcare delivery and support staff, 'medium risk occupations' are occupations which require frequent and/or close contact with (i.e. within 2 meters of) people who may be infected with COVID-19, but who are not known or suspected COVID-19 patients, and 'low risk occupations' are those occupations that do not require contact with people known to be, or suspected of being infected with COVID-19, nor frequent close contact with (i.e. within 2 meters of) the general public.

Available benefits for employees found to have OACD include:

- Temporary total disablement benefits if the disablement does not exceed 30 days. Where the employee is quarantined by a Medical Practitioner in accordance with stipulated guidelines, where it is suspected the employee has COVID-19 or it otherwise cannot be confirmed, **then the employer will be liable for the employee's remuneration during this period**. In cases where the employee is confirmed as having COVID-19, and where the Compensation Fund has accepted liability, then the Compensation Fund will make payment to the employee;
- Permanent disability where an assessment has been made by the Compensation Fund. This may be applicable where complications have arisen by virtue of having obtained COVID-19;
- Medical aid for a period of no more than 30 days where an employee has tested positive for COVID-19. The Director General has the ability to consider further medical aid if it will reduce the extent of disablement; and
- Death benefits which include reasonable burial expenses and widow's and dependent's pensions if an employee dies as a result of COVID-19 complications;

The Employer will be required to report in the prescribed manner to the Compensation Fund, as set out in the notice issued by the Commissioner. The notice can be found [here](#). Should you have any queries regarding same please do not hesitate to contact us.



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