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GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. 965

19 July 2002

**COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT No. 130
of 1993, AS AMENDED**

**CIRCULAR INSTRUCTION REGARDING COMPENSATION FOR POST
TRAUMATIC STRESS DISORDER (PTSD).**

The Director-General of the Department of Labour intends to approve Circular Instruction No.172 regarding compensation for Post Traumatic Stress Disorder (PTSD) as policy in the Compensation Fund. Any person, who wishes to comment on the proposed instruction, should submit such comments not later than 30 October 2002 in writing to:

Fax: (012) 323-8627

E-mail: info@wcomp.gov.za

The Compensation Commissioner
P O Box 955
Pretoria
0001
or

The Compensation Commissioner
Compensation House
Corner of Soutpansberg Road and Hamilton Street
Pretoria
0001

A6/3/1

A10/4/3/1

Circular Instruction No. 172

CIRCULAR INSTRUCTION REGARDING COMPENSATION FOR POST TRAUMATIC STRESS DISORDER (PTSD)**COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, No. 130 of 1993 (COIDA), AS AMENDED**

The purpose of the circular instruction referred to hereinunder is to set guidelines to be followed in handling and processing of Post Traumatic Stress Disorders (PTSD) claims submitted in the Office of the Compensation Commissioner. The said circular instructions shall once approved and publication is secured; prevail and supersede any other previous circular instructions in respect of Post Traumatic Stress Disorders. All Post Traumatic Stress Disorders claims not as yet adjudicated upon the date of publication of this instruction shall be dealt with and shall follow the guidelines of this circular instruction.

1. DEFINITION

Post Traumatic Stress Disorder is a mental disorder following an exposure to an extreme traumatic event or unusual stressor. This event is outside the individual's normal realm of experience and overwhelms the individual's usual psychological defences. PTSD is regarded as an occupational injury; therefore, the extreme trauma or unusual stressor should be an unforeseen incident or an accident as required by COIDA statute. The incident is unexpected, sudden and non-routine. A claim for Post Traumatic Stress Disorder shall not be eligible for benefits under the Act unless:

1. The individual was exposed to an extreme trauma or unusual stressor, and
2. The employee experienced an extreme trauma or unusual stressor that arose out of and in the course of employment, and
3. The employee experienced symptoms of the PTSD within 6 months of the incident, and
4. The employment-related trauma or stressor was a positive factor in the development of PTSD or played an active role in the course of PTSD, and
5. Notice of the claim for PTSD was made within 1 year after the date of diagnosis.

2. HOW DIAGNOSIS IS MADE

The internationally accepted diagnostic criteria for Post Traumatic Stress Disorder (at any given time) should be used to make the diagnosis of PTSD. The most definitive diagnostic tools available are the Diagnostic and Statistical Manual of Mental Disorders referred to as DSM-IV and the International Classification of Diseases, known as ICD-10. All suspected Post Traumatic Stress Disorder cases must be referred to a psychiatrist for assessment within one month. Only a psychiatrist should make the diagnosis of PTSD. The Medical Officers in the Compensation Office will determine if diagnosis was made according to acceptable medical standards.

3. IMPAIRMENT

A panel of psychiatrists and the Medical Officers in the Office of the Compensation Commissioner shall assess impairment. The guide to percentage permanent disablement shall be based on percentages as guided by Schedule 2 of COID Act and the degree of impairment and disablement according to psychiatric scales. The impairment will be evaluated using the following:

- Social and Occupational Functioning Assessment (SOFAS), and
- Global Assessment Functioning (GAF) Scale, and
- South African Society of Psychiatrists Management of Disability Claims on Psychiatric Grounds Second Edition (SASOP Guidelines).

4. BENEFITS

The benefits payable according to the Act:

4.1 TEMPORARY DISABLEMENT

Payment for temporary total or partial disablement shall be made for as long as such disablement continues, but not for a period exceeding 24 months. After six months of treatment by the treating psychiatrist, and the employee is still unable to return to work, he/she should be referred to a panel of psychiatrists.

4.2 PERMANENT DISABLEMENT

Payment for permanent disablement shall be made, where applicable, and when a final medical report and the report from the panel of psychiatrists are received. Permanent disablement shall only be determined after 24 months of optimal treatment. The panel of psychiatrists will determine percentage impairment. The Compensation Commissioner shall calculate permanent disablement. Every claim awarded a permanent disablement of 31% or more will be re-assessed after a 2-year period.

4.3 MEDICAL AID

Medical aid shall be provided for a period of not more than 24 months from the date of diagnosis or longer, if in the opinion of the Director General, further medical aid will reduce the extent of the disablement. Medical aid covers costs of diagnosis of PTSD by a psychiatrist, any necessary treatment provided by any health care provider and hospitalisation when motivated for by the psychiatrist. The Compensation Commissioner shall decide on the need for, the nature and sufficiency of medical aid supplied.

5. REPORTING

The following documentation should be submitted to the Compensation Commissioner or the employer individually liable or the mutual association concerned:

- W.Cl.2 Employer's report
- W.Cl.3 Notice of Accident and claim for compensation
- W.Cl.4 First medical report
- W.Cl.5(P) Progress medical report
- W.Cl.5(F) Final medical report
- All Relevant reports pertaining to diagnosis and treatment
- Occurrence Book Entry where applicable

6. CLAIM PROCESSING

The Office of the Compensation Commissioner shall consider and adjudicate upon the liability of all claims. The Medical Officers in the Compensation Commissioner's Office are responsible for medical assessment of a claim and for the confirmation of the acceptance or rejection of a claim. A 100% impairment of PTSD shall be equivalent to 65% permanent disablement and impairment less than 20% will not be awarded permanent disablement.

**DIRECTOR-GENERAL: LABOUR****DATE: 9 July 2002**
