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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

GOVERNMENT NOTICES

DEPARTMENT OF LABOUR

No. 81

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Circular Instruction No. 178

CIRCULAR INSTRUCTION REGARDING COMPENSATION FOR PULMONARY TUBERCULOSIS IN HEALTH CARE WORKERS

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993(COIDA) - (ACT No. 130 OF 1993) AS AMENDED

The following circular instruction is issued to clarify the position in regard to compensation of claims for Pulmonary Tuberculosis in health care workers and supersedes all previous instructions regarding compensation for Pulmonary Tuberculosis in health care workers.

1. DEFINITION

Pulmonary Tuberculosis (PTB) is an infectious disease caused by *Mycobacterium tuberculosis* or *Mycobacterium other than tuberculosis* (MOTTs) in the workplace. Pulmonary Tuberculosis will be presumed to be work-related if Pulmonary Tuberculosis is transmitted to an employee during the performance of health care work from a patient suffering from active open tuberculosis or analysis or testing of infected body tissues or fluids. A claim shall clearly be set out as contemplated in and provided for in Section 65 of COIDA.

2. DIAGNOSIS

Definitive diagnosis requires isolation of *Mycobacterium tuberculosis* by culture of sputum or body fluids or tissue. Presumptive diagnosis can be established with a positive sputum smear and a relevant clinical or radiological picture **OR** two positive sputum smears. If it is impossible to isolate *Mycobacterium tuberculosis* using microscopy or bacterial culture, other acceptable diagnostic techniques may be used. The Medical Officers in the Compensation Office will determine whether the diagnosis of Pulmonary Tuberculosis was made according to acceptable medical standards.

3. **IMPAIRMENT**

Pulmonary impairment will be determined by the lung function test done in accordance with the Compensation Commissioner's Circular instruction on Respiratory Impairment.

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.

4.2 ***Permanent disablement***

Payment for permanent disablement shall be made, where applicable, and when a final medical report is received. The final medical report and lung function test must be submitted 12 months after completion of treatment of tuberculosis or when the treating medical practitioner considers that no further improvement is anticipated.

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 tuberculosis and any necessary treatment provided by any health care provider. The Compensation Commissioner shall decide on the need for, the nature and sufficiency of medical aid supplied.

4.4 ***Death benefits***

Reasonable burial expenses, widow's and dependant's pensions may be payable, where applicable, if the employee dies as a result of pulmonary tuberculosis.

5. REPORTING

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

- Employer's Report of an Occupational Disease (W.CL.1).
- First Medical Report in respect of an Occupational Disease (W.CL.22).
- Notice of an Occupational Disease and Claim for Compensation (W.CL.14).
- The laboratory results demonstrating Mycobacterium tuberculosis or Mycobacterium other than tuberculosis.
- Exposure History (W.CL.110) or an appropriate employment history.
- Progress Medical Report in respect of an Occupational Disease (W.CL.26).
- Medical report detailing the employee's symptoms and clinical features.
- Final medical report (W.CL.26) and lung function test must be submitted 12 months after completion of treatment of tuberculosis or when the treating medical practitioner considers that no further improvement is anticipated.
- Chest X-ray and/or radiology reports where applicable.

6. CLAIMS 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.


DIRECTOR GENERAL: LABOUR