

No. 552

15 May 2009

**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 July 2009.

SCHEDULE 4

MANNER OF CALCULATING COMPENSATION

| (i) | (ii) | (iii) | (iv) | (v) |
|------------|-------------|--|---------------------|--|
| Item | Section | Nature and degree of disablement | Nature of benefits | Manner of calculating benefits |
| 1. | 47(1)(a) | Temporary total disablement | Periodical payments | 75% of an employee's monthly earnings at the time of the accident subject to maximum compensation of R14 948, 25 per month. |
| 2. | 49(1) | Permanent disablement of 30% | Lump sum | 15 times the monthly earnings of the employee at the time of the accident subject to the maximum and minimum compensation of R167 445, 00 and R41 850, 00. |
| 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 an employee's monthly earnings at the time of the accident subject to maximum and minimum compensation of R14 948,25 and R2 092.50 |

| (i) | (ii) | (iii) | (iv) | (v) |
|-----|--------------|---|----------------------------|---|
| 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. |
| 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. |
| 8. | 54(1)(c) | Fatal | Monthly pension | 20% of the monthly pension that would have been payable to the employee under item 4 had he been totally permanently disabled, to each child. |
| 9. | 54(1)(d)(ii) | Fatal | Lump sum | Percentage dependence as portion of R86 930,00 |
| 10. | 54(2) | Fatal | Funeral costs | A reasonable amount for funeral costs to a maximum of R11 155, 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 R147, 00 per month and minimum for free quarters R68.00 per month. |
| 12. | 28 | Constant attendance allowance | Monthly allowance | Fixed amount of R1 166.00 per month |

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 29 May 2009.