

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
COMPENSATION FOR
OCCUPATIONAL INJURIES AND
DISEASES AMENDMENT BILL**

[B 59—97]

(As agreed to by the Portfolio Committee on Labour (National Assembly))

[B 59A—97]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
WYSIGINGSWETSONTWERP
OP VERGOEDING VIR
BEROEPSBESERINGS EN
-SIEKTES**

[W 59—97]

(Soos goedgekeur deur die Portefeuljekomitee oor Arbeid (Nasionale Vergadering))

[W 59A—97]

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AMENDMENTS AGREED TO

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES AMENDMENT BILL [B 59—97]

CLAUSE 1

1. On page 4, after line 49, to insert the following paragraph:
 - (k) by the insertion after the definition of “periodical payment” of the following definition:

“‘permanent disablement’, in relation to an employee and subject to section 49, means the permanent inability of such employee as a result of an accident or occupational disease for which compensation is payable to perform the whole of the work at which he or she was employed at the time of such accident or the commencement of such occupational disease;”;

CLAUSE 17

1. On page 14, from line 23, to omit “[a **minimum and**] the prescribed maximum amount” and to substitute:

[a] the minimum and maximum [amount]
2. On page 14, in line 25, after “**Board]**” to insert “amounts”.
3. On page 14, after line 35, to insert the following paragraph:
 - (e) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) Periodical payments shall take place for so long as the temporary total disablement continues, but not for a period exceeding [12] 24 months.”

CLAUSE 18

1. On page 14, in line 42, to omit “prescribed”.
2. On page 14, after line 45, to add the following paragraph:
 - (c) by the addition to subsection (2) of the following paragraph:

“(c) If an injury or serious mutilation contemplated in paragraph (a) or (b) has unusually serious consequences for an employee as a result of the special nature of the employee’s occupation, the Director-General may determine such higher percentage as he or she deems equitable.”

CLAUSE 21

1. On page 16, in line 39, after “years” to insert:

, or until the child completes secondary education, or while the child is undergoing tertiary education and it could reasonably have been expected that the employee would have contributed to the maintenance of that child, whichever occurs last

CLAUSE 24

1. On page 18, from line 31, to omit subparagraph (i).

CLAUSE 25

1. On page 18, in line 47, after the first “the” to insert “Board and the”.

CLAUSE 28

1. On page 20, after line 14, to add the following paragraph:

(b) by the addition of the following subsection:

“(4) A health and safety representative elected in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), or the Mine Health and Safety Act, 1996 (Act No. 29 of 1996), and a trade union representative elected in terms of section 14 of the Labour Relations Act, 1995 (Act No. 66 of 1995), shall have the right to inspect, and where appropriate bring to the attention of the commissioner, any register, record or document which the employer must maintain, keep or complete in terms of this Act.”.

CLAUSE 33

1. On page 22, in line 51, to omit “90” and to substitute “[90] 180”.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 37:

Transitional provision

38. Any claim for compensation in respect of any accident that happened before the commencement of this Act shall be dealt with in terms of the principal Act as it was in force immediately before the commencement of this Act.