

Guidelines: Compensation - Workplace acquired COVID-19

The Minister of Employment and Labour on 30 June 2020 issued a directive on compensation for workplace-acquired novel corona virus. The directive intended to outline processes and procedures for employees to claim for compensation, should they have acquired the corona virus in the line of duty. The process to implement the said directive is not different to the normal application for occupational diseases. However, this process is prioritised owing to the sensitivity of the COVID-19 virus.

Employees are required to submit their claims to their respective Human Resources sections to facilitate the claim process. An accident report and the Occupational Disease Exposure form must be completed. The employer will conduct an assessment to establish the link between the contracted COVID-19 virus and the workplace environment. Claims will be submitted to the Workmen's Compensation Fund as soon as all relevant documents are received. The dedicated medical doctors will adjudicate over applications and issue a decision within 20 working days.

In instances where the employee passed on owing to the virus, the dependents of the deceased will complete the application and attach a death certificate and the medical report. In cases where the claim is rejected, employees have an opportunity to lodge an objection with the Compensation Fund. The outcome of the claim will be communicated in writing to the claimant and the employer.

The PSA will monitor the implementation of the directive in various workplaces and assist members should they experience problems with claims. The directive and claim forms are *attached* for ease reference. Members should not hesitate to contact PSA Offices for clarity. The PSA has been inundated with enquiries on the processes to follow when one contracts COVID-19 at the workplace. Members will recall that the Department of Employment and Labour (DEL) issued a revised directive on compensation for workplace-acquired COVID-19. Under Section 45 of the *Compensation for Occupational Injuries and Disease Act (COIDA)*, the Compensation Fund is under obligation to consider all claims submitted for compensation and adjudicate these to determine liability. The Fund will consider all information submitted, including exposure, clinical history and the inherent risk posed by various categories of work and occupations.

Workplace-acquired COVID-19

If an employee contracts COVID-19 at the workplace, the directive recognizes that an employee may contract COVID-19 through direct exposure in the workplace while performing employment duties aligned to the employer's business, or through business travel to high risk areas or countries. To prove workplace-acquired COVID-19, the Compensation Fund takes the following factors into account:

- Assessment of the inherent risk posed by various categories of work/occupations,
- Exposure to a known cause of COVID-19 at the workplace, or
- an approved official trip or travel history to countries and or high risk for COVID-19 for work purposes
- a reliable COVID-19 diagnosis a per the World Health Organisation's guidelines and
- a chronological sequence between exposure at the workplace and the development of symptoms.

The DEL makes emphasis that an assessment of permanent impairment shall be determined within three months after diagnosis and when maximum medical improvement has been reached. Further the degree of impairment will be evaluated based on the medical complications of COVID-19 from the affected body systems. Depending on the findings, the directive indicates that benefits will be paid out based on the level of disability as well as death. Member are urged to read the full directive (*attached*) and contact the nearest PSA Provincial Office for clarity.

The PSA wants to take this opportunity to wish all employees who are unwell owing to the virus a safe and speedy recovery.

GENERAL MANAGER