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Contents

No.		Gazette No.	Page No.
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Employment and Labour, Department of / Indiensneming en Arbeid, Departement van			
R. 6841	Compensation for Occupational Injuries and Diseases Act (130/1993): Regulations on appointment of Assessors, Presiding Officers and Interpreters for the Compensation Fund made under Section 91 of the Act	53668	3

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 6841 **14 November 2025**

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993 (ACT NO 130 OF 1993)

REGULATIONS ON APPOINTMENT OF ASSESSORS, PRESIDING OFFICERS AND INTERPRETERS FOR THE COMPENSATION FUND MADE UNDER SECTION 91 OF COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993

I, Nomakhosazana Meth, Minister of Employment and Labour, after consultation with the Compensation Board hereby under section 97 read with section 8 of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No 130 of 1993) made the regulations in Schedule A.

Interested persons are invited to submit any substantiated comments in writing on the proposed regulations within 30 days from the date of publication hereof to the Department of Employment and Labour, Compensation Fund 167 Thabo Sehume Street, Delta Heights, Pretoria, 0001 or publiccomments@labour.gov.za.

N METH, MP
Minister of Employment and Labour
Date: 7 November 2025

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SCHEDULE A

REGULATIONS ON APPOINTMENT OF ASSESSORS, PRESIDING OFFICERS AND INTERPRETERS FOR THE COMPENSATION FUND MADE UNDER COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993

ARRANGEMENT OF REGULATIONS Pages

1. Definitions.....2
2. Appointment of Assessors..... 3
3. Procedure of the Tribunal Hearings in terms of section 91.....3
4. Nomination of Employer and Employee Assessors 4
5. Minimum requirements for Appointment.....4
6. Disqualification of Assessors, Presiding Officers and interpreters.....5
7. Conflict of Interest.....5
8. Remuneration.....6
9. Training and Assessment of performance..... 6
10. Effective date of regulations.....6

1. Definitions

"Business" means employers' organisations representing the interests of employers;

"Labour" means federations of unions representing the interests of employees;

"NEDLAC" means National Economic Development and Labour Council; and

"Regulations" means the Regulations on Appointment of Assessors, Presiding Officers and Interpreters for the Compensation Fund made under section 97 read with section 8 of the Compensation for Occupational Injuries and Diseases Act, 1993.

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2. Appointment of Assessors

(1) The Minister may in terms of section 8 of the Act appoint the following assessors for hearing proceedings contemplated in terms of section 91(2)(a) and (b) of the Act: -

a. Employer assessors;
b. Employee assessors; and
c. Medical assessors.

(2) The Minister must consult with the Board prior to the appointments in sub-regulation (1).

(3) The Director-General may in terms of section 4(2) of the Act appoint the following persons for hearing proceedings contemplated in terms of section 91(2)(a) and (b) of the Act:-

(a) Presiding Officers; and
(b) Interpreters.

3. Procedure of the Tribunal Hearings in terms of section 91

(1) The tribunal shall conduct its proceedings as a quasi-judicial enquiry and the rules of procedure of the Magistrate's Court in relation to the conduct of the parties, leading of witnesses and production of evidence shall be observed.

(2) The Presiding Officer may in exceptional cases or if one of the parties' requests, dispense with the compliance with the sub-regulation 3.1 above.

(3) The appointment of the tribunal panel and scheduling of the first date of the hearing shall be done by the Director: Legal Services.

(4) The scheduling of postponed hearings shall be the responsibility of the parties and the presiding officer shall ensure that dates, time and venue are confirmed and recorded on the judgment form.

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3. Nomination of Employer and Employee Assessors

(1) The Compensation Commissioner shall request NEDLAC to provide a list of persons nominated by Labour and Business from which the Minister may appoint assessors representing the interests of Business and Labour.

(2) The Compensation Commissioner shall request the nomination in line with the needs of the Compensation Fund and such needs shall be made and prioritised in accordance with the geographical needs of the Fund.

(3) Upon receipt of the list of nominees, the Compensation Commissioner must present such list to the Minister for consideration of suitable candidates for appointment.

(4) The Minister must make appointments from the list presented to him or her by the Compensation Commissioner.

4. Minimum qualifications for Appointment

(1) The minimum requirement for appointment as: -

(a) Medical assessor shall be:

(i) MBCHB;

(ii) registered and in good standing with Health Professions Council of South Africa; and

(iii) a minimum of two years' experience post community services as a medical practitioner.

(b) Presiding officer shall be:

(i) Bproc or LLB;

(ii) admitted attorney or advocate;

(iii) medico-legal experience shall be an added advantage;

(iv) a minimum of five years or more of practical experience;

(v) in good standing with the Legal Practice Council of South Africa.

(c) Employer assessors shall be:

(i) matric or grade 12 certificate;

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(ii) Degree or diploma in accounting, auditing or financial management, business management, and business administration;

(iii) nominated by Business; and

(iv) endorsed by NEDLAC.

(d) Employee assessor shall be:

(i) matric or grade 12 certificate;

(ii) Degree or diploma in accounting, auditing or financial management; business management, and business administration;

(iii) nominated by Labour; and

(iv) endorsed by NEDLAC.

(e) Interpreter shall be :

(i) matric or grade 12 certificate;

(ii) diploma or degree in language practice; and

(iii) a minimum of 3 year practical experience.

5. Disqualification of Assessors, Presiding officers and Interpreters

(1) An assessor shall be disqualified in terms of section 8(5) of the Act.

(2) A presiding officer or an interpreter shall be disqualified if he or she:-

(a) has been found guilty of misconduct or neglect of duty;

(b) is unable to perform his or her functions in terms of this Act;

(c) has personal or professional interest in a business which clashes or conflict with the interest of the Compensation Fund or his or her role as a tribunal member; and

(d) is in the opinion of the Minister, no longer represents the interests on the ground of which he or she was appointed.

6. Conflict of Interest

6.1 All panel members should disclose any conflict of interest that may arise, or any close family member, partner or associate of such official or other role player, who has any

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private or business interest in any contract to be awarded.

6.2 All panel members should withdraw from participating in any manner whatsoever in the process relating to a hearing of the tribunal that they have interest in.

7. Remuneration

(1) The assessors, Presiding Officers and Interpreters will be remunerated according to the prescribed fee.

8. Training and assessment of performance

(1) The Commissioner shall on an annual basis ensure that the appointed assessors, and presiding officers are subjected to training on the policies, guidelines and circulars of the Fund.

(2) In order to determine the effectiveness and efficiency of the tribunal the Commissioner shall annually assess the performance of the appointed panel members.

(3) A panel member whose performance has become unsatisfactory due to unavailability, poor attendance of hearing (not arriving in time or having clashing commitments) or any disruptive behaviour shall be removed from the panel and their appointment terminated.

(4) A panel member may not be allowed to serve more than two terms.

N METH, MP
Minister of Employment and Labour
Date: 7 November 2025

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GOVERNMENT NOTICE

DEPARTMENT OF EMPLOYMENT AND LABOUR

No. R. **2025**

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993 (ACT NO 130 OF 1993)

REGULATION ON REVIEW FOR PENSION IN TERMS OF SECTION 49 (5)

I, Nomakhosazana Meth, Minister of Employment and Labour, after consultation with the Compensation Board hereby under section 97 read with section 49(5) of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No 130 of 1993) made the regulations in Schedule A.

Interested persons are invited to submit any substantiated comments in writing on the proposed regulations within 30 days from the date of publication hereof to the Department of Employment and Labour, Compensation Fund 167 Thabo Sehume Street, Delta Heights, Pretoria, 0001 or publiccomments@labour.gov.za.

Ms N Meth, MP

MINISTER OF EMPLOYMENT AND LABOUR

DATE 7 November 2025

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SCHEDULE A

REGULATIONS ON THE REVIEW OF PENSIONS AWARDED IN TERMS OF SECTION (49) (5) OF THE COIDA ACT.

1. Purpose

(1) The purpose of these regulations is to provide the manner in which pension is to be reviewed in terms of section 49(5) in applicable cases.

2. Manner of review of pension in terms of section 49(5), section 90 and 42 of the Act

(1) The Commissioner may after 3 years, by giving written notice, to the pensioner and refer for a section 42 assessment with an independent medical service provider nominated by the Commissioner.

(2) The Notice shall set out the grounds on which the pension is reviewable.

(3) The review shall be applicable in respect of any occupational injuries or diseases in terms of the Act.

(4) The review of pension shall apply to all employees of exempted employers and private employers.

(5) The Commissioner or Licensee shall keep and maintain register for all cases where review is applicable.

(6) The review of pension shall be considered and recommended by the medical officers nominated or appointed by the Fund or Licensee. Where necessary the medical officers shall require the affected employee to be subjected to further medical examination in terms of section 42 of the Act.

(7) The costs of medical examination contemplated in sub-regulation 6 above shall be borne by the Commissioner or the Licensee in respect of employees employed by private sector. Exempted employers shall bear the costs of medical examination in respect of their employees.

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3. Outcome of the review

(1) The review of pension may confirm, increase or lowering of the percentage of the level of disablement.

(2) The Commissioner may in case where the employee whose permanent disablement, after the outcome of the review, fallen to thirty percent or below, his or her pension shall be stopped and be converted to a once off lump sum pay-out.

(3) In the case where the employee whose permanent disablement percentage after review increases, his or her pension shall be adjusted to such a higher percentage as is confirmed by the outcome of medical examination.

(4) The determination of the amount payable after the outcome of the review for pension shall consider any amount previously awarded in the form of lump sum. If the amounts in paragraph 3.3 result in a pension, such pension may be paid in pro-rata and a superseding award shall be issued in respect thereof.

(5) In case where the employee had multiple occupational injuries and, among the injuries one is occupational disease, all the injuries and the disease shall be reviewed. Where such occupational injuries and diseases result in a permanent disablement of 31% or more the employee shall be paid a monthly pension and a superseding award shall be issued by the Commissioner.

(6) The monthly pension in sub-regulation 3.5 above, shall be calculated using the earnings of the employee and the percentage of disablement at the time of the accident.

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4. Superseding pension Award

(1) A superseding pension award shall be issued on an existing claim as adjusted by recalculating the pension from the date of final medical report or other medical reports.

5. Constant Attendance Allowance

(1) Constant Attendance Allowance shall be paid for disablement of an employee who is already receiving pension and who is unable to perform the activities of daily living without the assistance of another person.

(2) The Constant Attendance Allowance shall be calculated at 10% of the monthly pension payable.

(3) The Constant Attendance Allowance shall be payable for the life-time of the pensioner, however, may be suspended where the pensioner is admitted into a health-care facility, for a period of not less than 3 months.

(4) Where the pension is subjected to a review process and constant attendance allowance is applicable, such a case shall be referred for case management and the pensioner shall be subjected to section 42 examination in term of the Act.

6. **Termination of pension**

(1) The pension will terminate at the end of the month in which the pensioner dies.

(2) The pension shall terminate if the during the review period the Commissioner discovers that the pensioner has falsified or presented false information which the Commissioner relied upon in awarding the pension.

(3) The pension shall terminate if the pensioner is arrested and convicted of a criminal offence and imprisoned for such offence/s.

7. **Commutation of pension [section 52]**

(1) An employee may not claim commutation unless he or she has been granted pension by the Commissioner.

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(2) A pensioner who applies for commutation may be subjected to medical review in terms of section 42 of the Act in order to determine the extend of their disablement.

(3) A pensioner may apply for commutation if:-

(a) there is a need for purpose of improvement of the employee's living condition or attaining sustainability; or

(b) the pensioner requires the funds for purpose of home renovation and enhancement of the employee's mobility.

(4) The commutation can only be applied for after 3 years of the initial pension has been paid and thereafter every 5 years afterwards.

(5) The Commissioner shall consider one request or application over a period of (5) five years and shall upon receipt of the request or application conduct a review on the injuries or diseases of the pensioner and if the outcome is that the pensioner's condition has not improved, the Commissioner shall grant the request or application.

(6) A pensioner who has been granted full commutation may still request to be provided medical assistance and the Commissioner shall be liable to pay for such medical assistance.

(7) The Commissioner after consideration of request or application for commutation, may decline the request or application where similar services are provided for by the Fund.

(8) When granting commutation, the Commissioner must explain the implications of the commutation on the employee's pension.

9. Mitigation of risk of collusion

(1) The Commissioner may constitute a panel of medical specialists to assess all referred cases.

(2) The Commissioner may sign and conclude agreements with the Department of Health and the academic institutions.

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10. **The applicable period for pension review**

(1) The pension will qualify for a review after 3 years from the date of pension award.

(2) The pension already authorised prior to the date of these regulations coming into force and effect may also be reviewed as well.

11. Repeal of regulation 7

(1) Regulation 7 made in terms of section 52 is hereby repealed.



Ms N Meth, MP

MINISTER OF EMPLOYMENT AND LABOUR

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GOVERNMENT NOTICE

DEPARTMENT OF EMPLOYMENT AND LABOUR

No. R. **2025**

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993 (ACT NO 130 OF 1993)

REGULATIONS ON SECTION 85 - VARIATION OF TARIFF OF ASSESSMENT

I, Nomakhosazana Meth, Minister of Employment and Labour, after consultation with the Compensation Board and the Commissioner, hereby make the following regulations in terms of Section 97 read with section 85(3) (a) of Compensation for Occupational Injuries and Diseases Act, 1993 (Act No 130 of 1993) as amended.

Interested persons are invited to submit any substantiated comments in writing on the proposed regulations within 30 days from the date of publication hereof to the Department of Employment and Labour, Compensation Fund 167 Thabo Sehume Street, Delta Heights, Pretoria, 0001 or publiccomments@labour.gov.za.

The regulations are attached as Schedule A.

N METH, MP

MINISTER OF EMPLOYMENT AND LABOUR

DATE 7 November 2025

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Schedule A

REGULATIONS ON SECTION 85 - VARIATION OF TARIFF OF ASSESSMENT

Definition of regulation

In these regulations, "the regulations" means the regulations relating to Variation of Tariff of Assessment under the Compensation for Occupational Injuries and Diseases Act, 1993; and any word or expression to which a meaning has been assigned in these regulations shall have that meaning unless the context otherwise indicates.

TABLE OF CONTENTS:

1. Preamble.....2

2. Consideration of rebates.....2

1. Preamble

The objective of these regulations is to provide for further rebate in terms of section 85 (3) for employers participating in the rehabilitation of injured employees.

2. Consideration of rebates

(1) The Commissioner may consider granting a merit rebate to employers with favourable claims records, who have implemented systems or programs that promote workplace health and safety, and prevent workplace occupational incidents, accidents and who participates in the rehabilitation, reintegration and return to work programs for occupationally injured or diseased employee.

(2) An employer shall have a favourable claims record if:

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(a) during the assessment periods the number of accidents or incidents is lower than those of other employers in the same class or category; or

(b) during the assessment periods the expenditure related to incidents or accidents is lower than those of other employers in the same class or category.

(3) An employer shall have implemented systems and programs if the employer is implementing or compliant with its Occupational Health and Safety compliance obligations.

(4) The employer implemented and approved the OHS management program that defines all safety measures, outlining all actions, detailing all processes, procedures and systems to mitigate all occupational incidents and accidents.

(5) An employer who has been assessed and qualifies to receive a rebate due to a favourable assessment, shall upon submission of the Rehabilitation, Reintegration and Return-to Work report be assessed for a further rebate.

(6) The Commissioner may where the assessment of the employer is not favourable and the employer has submitted the rehabilitation report in terms of section 85(3), consider such report and grant or reject the rebate in line with the applicable policy.

(7) Despite participation in a rehabilitation program, the employer may not qualify to receive a merit rebate if Section 85 (2) was applied or is applicable, or if the employer has failed to furnish the commissioner with the reports or additional information as may be required or if the employer is non-compliant with any aspect of the Act.



N METH

MINISTER OF EMPLOYMENT AND LABOUR

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