

# Basic Guide to Compensation for Occupational Fatalities

by [admin](#) — last modified 2008-09-12 11:14

When workers die as a result of occupational injuries or diseases, their dependants can claim compensation.

## Application

The Compensation for Occupational Injuries and Diseases Act applies to:

- all employers; and
- casual and full-time workers who, as a result of a workplace accident or work-related disease:
  - are injured, disabled, or killed; or
  - become ill.

This excludes -

- workers who are totally or partially disabled for less than 3 days;
- domestic workers;
- anyone receiving military training;
- members of –
  - the South African National Defence Force, or
  - the South African Police Service;
- any worker guilty of wilful misconduct, unless they are seriously disabled or killed;
- anyone employed outside the RSA for 12 or more continuous months; and
- workers working mainly outside the RSA and only temporarily employed in the RSA.

See

- [Compensation for Occupational Injuries and Diseases Act](#)

Workers who are affected by occupational injuries and diseases are entitled to compensation

## Reporting Occupational Fatalities

If an accident or disease causes a worker's death, the employer must submit the following immediately:

- report of accident or disease;
- death certificate indicating the cause of death;
- if the worker leaves a widow/widower and children under 18 years:
  - marriage certificate;
  - birth/baptismal certificates or sworn statements on all children's dates of birth;
  - compensation claim form (W.CI.3);

- widow's/widower's statement (W.CI.32); and
- a specified burial account and the receipt, if paid.

## **Compensation for Dependants**

If a widow/widower and/or children are left behind –

- a lump sum is payable to the widow/widower;
- a pension is payable to the widow/widower and children.

The widow/widower's pension is calculated at 40% of the pension that the worker would have received for 100% permanent disablement.

Each child's pension is calculated at 20% of the pension.

If there is no widow/widower or children, other dependants can claim compensation.

Dependency must be proved in all cases.

*Based on Legislation in [Section 54](#), of the Compensation for Occupational Injuries and Diseases Act*