

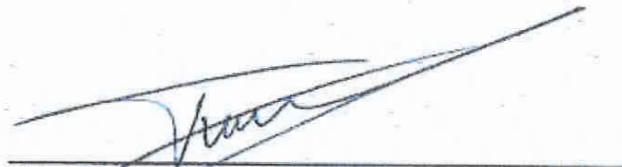
**COMPENSATION FOR OCCUPATIONAL INJURIES AND  
DISEASES ACT, 1993 (ACT NO 130 OF 1993)**

**REGULATIONS ON PULMONARY TUBERCULOSIS IN HEALTH WORKERS FOR THE  
COMPENSATION FUND MADE BY THE MINISTER UNDER COMPENSATION FOR  
OCCUPATIONAL INJURIES AND DISEASES ACT, 1993**

I, Thembelani Waltermade Nxesi, Minister of Employment and Labour, after consultation with the Compensation Board, hereby make the following attached regulations in terms of Section 97 of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No 130 of 1993) as amended. The regulations are attached as Schedule A.

**EFFECTIVE DATE OF REGULATIONS**

The regulations will come into effect on the date of publication hereof in the Gazette.



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**MR T W NXESI, MP**  
**MINISTER OF EMPLOYMENT AND LABOUR**  
DATE: 03/04/2023

**SCHEDULE A****REGULATIONS ON PULMONARY TUBERCULOSIS IN HEALTH WORKERS FOR THE  
COMPENSATION FUND MADE BY THE MINISTER UNDER COMPENSATION FOR  
OCCUPATIONAL INJURIES AND DISEASES ACT, 1993****1. DEFINITION OF REGULATION**

In these regulations, “the regulations” means the regulations relating to pulmonary tuberculosis in health workers under Compensation for Occupational Injuries and Diseases Act, 1993; and any word or expression to which a meaning has been assigned in the regulations shall have that meaning unless the context otherwise indicates.

**TABLE OF CONTENTS:**

<b>1. Definition.....</b>	<b>3</b>
<b>2. Diagnosis.....</b>	<b>4</b>
<b>3. Impairment.....</b>	<b>4-5</b>
<b>4. Benefits.....</b>	<b>5</b>
<b>5. Reporting.....</b>	<b>6-7</b>
<b>6. Claims Processing.....</b>	<b>7</b>

## 1. DEFINITIONS

**“Culture”** refers to the growing of microorganisms, tissue cells, or other living matter in a specially prepared nutrient medium controlled condition.

**“Gen XpectMTB/RIF”** refers to test used for rapid TB diagnosis and rapid antibiotic sensitivity test. It detects mycobacterium Tuberculosis and also identify resistance to Rifampicin in less than 2 hours.

**“Lung function tests (LFT)”** means a variety of tests that check how well the lungs are functioning, using instrument to test the volume, capacity and emptying of the lungs.

**“Mycobacterium Tuberculosis”** means a certain type of bacteria that have a tendency to affect mostly the lungs, but can affect other body parts

**“Pulmonary Tuberculosis”** means an infectious disease caused by mycobacterium Tuberculosis affecting the lungs.

**“Pulmonary”** means lungs

**“Rifampicin”** means one of the drugs used to treat TB

**“Radiology”** means a science dealing with Xrays and other high energy radiation used to detect abnormalities in the body.

**“Occupational Pulmonary Tuberculosis” (PTB)** means an infectious disease caused by Mycobacterium tuberculosis in the workplace.

## **2. DIAGNOSIS**

**(1) The diagnosis of occupational PTB shall be made by medical practitioner based on the following:**

- (a) definitive diagnosis by isolation of Mycobacterium tuberculosis by**
- (b) Microscopy and culture of sputum or body fluids or tissue.**
- (c) Presumptive diagnosis can be established with a positive sputum smear and a relevant clinical or radiological picture OR**
- (d) Two positive sputum smears OR a positive GeneXpert MTB/RIF. If it is impossible to isolate Mycobacterium tuberculosis using microscopy or bacterial culture, other acceptable diagnostic techniques may be used.**
- (e) A chronological relationship between the work-related exposure and the development of PTB.**
- (f) A presumed exposure to PTB bacilli during working environments where cases of active PTB are found OR as a result of analysis or testing of infected body tissues or fluids.**

**(2) The Medical officers employed by the Compensation Fund shall determine whether the diagnosis of PTB was made according to acceptable medical standards.**

## **3. IMPAIRMENT**

- (1) Pulmonary function impairment will be determined by the lung function test done in accordance with the Commissioner regulations on Pulmonary Tuberculosis.**
- (2) Impairment as a result of pulmonary TB, or complications arising from anti-TB medication administered to the employee, will be assessed in accordance with best practices using the latest AMA Guide criteria for rating permanent impairment under the relevant body system.**
- (3) Final Medical Report in respect of an Occupational Disease (W.CL.26) when the employee's condition has reached maximum medical improvement and the report should clearly indicate if the employee has been compliant and has**

completed treatment. Submit recent lung function tests done six months to one-year post completion of PTB treatment. If the first lung function test post 6 months is abnormal, second LFT after 12 months of treatment will be used to determine permanent disablement.

#### **4. COMPENSATION BENEFITS**

The compensation benefits payable according to the Act are:

- (1) Payment for temporary disablement shall be made for as long as such disablement continues, but not for a period exceeding 24 months, or longer, if further treatment is required (e.g. drug resistant TB).
- (2) Payment for permanent disablement shall be made, where applicable, and when a Final Medical Report is received. The Final Medical Report and lung function test (in the case of pulmonary TB) must be submitted at least 6 months and no later than 12 months after completion of treatment of tuberculosis or sooner if the treating medical practitioner considers no further improvement is anticipated. Where the LFT result done 6 months' post TB treatment, show abnormality, second LFT taken at 12 months' post treatment will be used to assess permanent disablement.
- (3) If total impairment score is zero to three (i.e. permanent disablement less than or equal to 30%), permanent disablement shall be determined and a lump sum shall be paid in terms of the Act.
- (4) If total impairment score is more than three (i.e. permanent disablement is higher than 30%), pension shall be paid in terms of the Act.

- (e) First Medical Report in respect of an Occupational Disease (W.CL. 22)
- (f) The laboratory results demonstrating Mycobacterium tuberculosis.
- (g) Supporting documentation relating to the assessment of impairment of the employee including, where applicable, but not limited to, chest x-ray and/or any other radiology reports, lung function tests (which include pre- and post-administration of a bronchodilator), hearing function tests or nerve conduction studies.
- (h) For each consultation, a Progress Medical Report (W.CL. 26).
- (i) Final Medical Report in respect of an Occupational Disease (W.CL.26) when the employee's condition has reached maximum medical improvement and the report should clearly indicate if the employee has been compliant and has completed treatment. Submit recent lung function tests done six months to one-year post completion of PTB treatment.
- (j) In case of death, a death certificate and a B11663 (notification of death) should be submitted. Alternatively, a death certificate accompanied by a detailed medical report on a practice letterhead, on the cause of death should be submitted.

#### 8. Claims processing

The Commissioner shall consider and adjudicate upon the liability of all claims. The Medical Officers employed by the Compensation Fund are responsible for medical assessment of the claim and for the confirmation of the acceptance or rejection of the claim.



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MR T.W. NXESI, MP  
MINISTER OF EMPLOYMENT AND LABOUR

DATE: 03/04/2023