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REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 11592

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15

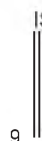
June
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2023

No. 48787



N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works'*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as @gpw.gov.za

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.qpwnonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

Closing times for **ORDINARY WEEKLY** **REGULATION GAZETTE** **2023**

The closing time is **15:00** sharp on the following days:

- **29 December**, Thursday for the issue of Friday **06 January 2023**
- **06 January**, Friday for the issue of Friday **13 January 2023**
- **13 January**, Friday for the issue of Friday **20 January 2023**
- **20 January**, Friday for the issue of Friday **27 January 2023**
- **27 January**, Friday for the issue of Friday **03 February 2023**
- **03 February**, Friday for the issue of Friday **10 February 2023**
- **10 February**, Friday for the issue of Friday **17 February 2023**
- **17 February**, Friday for the issue of Friday **24 February 2023**
- **24 February**, Friday for the issue of Friday **03 March 2023**
- **03 March**, Friday for the issue of Friday **10 March 2023**
- **10 March**, Friday for the issue of Friday **17 March 2023**
- **16 March**, Thursday for the issue of Friday **24 March 2023**
- **24 March**, Friday for the issue of Friday **31 March 2023**
- **30 March**, Thursday for the issue of Thursday **06 April 2023**
- **05 April**, Wednesday for the issue of Friday **14 April 2023**
- **14 April**, Friday for the issue of Friday **21 April 2023**
- **20 April**, Thursday for the issue of Friday **28 April 2023**
- **26 April**, Wednesday for the issue of Friday **05 May 2023**
- **05 May**, Friday for the issue of Friday **12 May 2023**
- **12 May**, Friday for the issue of Friday **19 May 2023**
- **19 May**, Friday for the issue of Friday **26 May 2023**
- **26 May**, Friday for the issue of Friday **02 June 2023**
- **02 June**, Friday for the issue of Friday **09 June 2023**
- **08 June**, Thursday for the issue of Thursday **15 June 2023**
- **15 June**, Thursday for the issue of Friday **23 June 2023**
- **23 June**, Friday for the issue of Friday **30 June 2023**
- **30 June**, Friday for the issue of Friday **07 July 2023**
- **07 July**, Friday for the issue of Friday **14 July 2023**
- **14 July**, Friday for the issue of Friday **21 July 2023**
- **21 July**, Friday for the issue of Friday **28 July 2023**
- **28 July**, Friday for the issue of Friday **04 August 2023**
- **03 August**, Thursday for the issue of Friday **11 August 2023**
- **11 August**, Friday for the issue of Friday **18 August 2023**
- **18 August**, Friday for the issue of Friday **25 August 2023**
- **25 August**, Friday for the issue of Friday **01 September 2023**
- **01 September**, Friday for the issue of Friday **08 September 2023**
- **08 September**, Friday for the issue of Friday **15 September 2023**
- **15 September**, Friday for the issue of Friday **22 September 2023**
- **21 September**, Thursday for the issue of Friday **29 September 2023**
- **29 September**, Friday for the issue of Friday **06 October 2023**
- **06 October**, Friday for the issue of Friday **13 October 2023**
- **13 October**, Friday for the issue of Friday **20 October 2023**
- **20 October**, Friday for the issue of Friday **27 October 2023**
- **27 October**, Friday for the issue of Friday **03 November 2023**
- **03 November**, Friday for the issue of Friday **10 November 2023**
- **10 November**, Friday for the issue of Friday **17 November 2023**
- **17 November**, Friday for the issue of Friday **24 November 2023**
- **24 November**, Friday for the issue of Friday **01 December 2023**
- **01 December**, Friday for the issue of Friday **08 December 2023**
- **08 December**, Friday for the issue of Friday **15 December 2023**
- **15 December**, Friday for the issue of Friday **22 December 2023**
- **20 December**, Wednesday for the issue of Friday **29 December 2023**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe* Forms. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za
All re-submissions will be subject to the standard cut-off times.
All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW's** annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**PAYMENT OF COST**

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION**Physical Address:****Government Printing Works**

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:**Bank:** ABSA Bosman Street**Account No.:** 405 7114 016**Branch Code:** 632-005**For Gazette and Notice submissions:** Gazette Submissions:**For queries and quotations, contact:** Gazette Contact Centre:**E-mail:** submit.egazette@gpw.gov.za**E-mail:** info.egazette@gpw.gov.za**Tel:** 012-748 6200**Contact person for subscribers:** Mrs M. Toka:**E-mail:** subscriptions@gpw.gov.za**Tel:** 012-748-6066 / 6060 / 6058**Fax:** 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 3539

15 June 2023


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

**PUBLICATION OF THE DRAFT REHABILITATION, REINTEGRATION AND RETURN-TO-
WORK REGULATIONS
FOR PUBLIC COMMENT**

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

The regulations are issued regarding Rehabilitation Reintegration and Return-to-Work of injured or diseased employees.

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 Nthabiseng.Mogonono@labour.gov.za and Farzana.Fakir@labour.gov.za for the attention of Chief Director Rehabilitation & Reintegration: Tel: 012 406 5773.



MR T W NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 01/06/2023

SCHEDULE A

REGULATIONS ON REHABILITATION, REINTEGRATION AND RETURN-TO-WORK OF INJURED OR DISEASED EMPLOYEES

Definition of regulation

In these regulations, "the regulations" means the regulations relating to the Rehabilitation, Reintegration and Return-to-Work of injured or diseased employees under the 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

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1. Definitions

Any expression defined in these Regulations carries the same meaning as in the Compensation for Occupational Injuries and Diseases Act, 1993 Act unless otherwise indicated

“Act” means the Compensation for Occupational Injuries and Diseases Act, 1993, as amended from time to time;

“Assistive devices and technology” means any item, piece of equipment, software programme, or product system used to increase, maintain, or improve the functional capabilities of persons with disabilities. This can include mobility devices such as walkers and wheelchairs, as well as hardware, software, and peripherals that assist people with disabilities. Assistive devices should include specialised Assistive Devices and Technology;

“Case Manager” means the health professional appointed by the Compensation Fund or Licensee to conduct case management for the injured employee, which includes the collaborative process of assessment, planning, facilitation, care-co-ordination, evaluation and advocacy for options and services to meet individuals and families through communication and available resources to create quality and cost outcomes;

“Compensation Fund” or **“Fund”** as defined in the Act;

“Disability Manager” means a suitably trained individual who performs various functions pertaining to Return-to-Work and rehabilitation systems, such as design, coordination and implementation of Return-to-Work programmes;

"Employee health and wellness representative" means an employee responsible for executing an organisation's Return-to-Work programme and assisting injured workers to continue or Return-to-Work as soon as safely practicable after injury. The coordinator is also in charge of ensuring that the employer fulfils their Return-to-Work requirements in accordance with the Compensation Fund standards;

"Injured employee" means an employee whose prospects of securing, returning to, retaining and advancing in current employment are substantially reduced as a result of a severe physical impairment which was sustained at work and liability accepted by the Fund/Licensees;

"Frail Care facility" means a facility that provides full-time residential and nursing care for individuals with a dependent residual level of functioning after reaching (Maximum Medical Improvement (MMI).

"Licensees" as defined in the Act;

"Reasonable Accommodation" means the support, adjustments or improvements to a system, position or workplace that allow an employee to perform their job despite a disablement;

"Rehabilitation Benefits" means the range of rehabilitation services available to clients of Compensation Fund or Licensees who have sustained severe or complex injuries resulting in a disability. Such clients are enrolled in rehabilitation programmes, which can include admission for clinical rehabilitation, clinical vocational rehabilitation to facilitate Return-to-Work, social rehabilitation, identification and training of a suitable caregiver, placement into a Frail Care facility and provision of appropriate assistive devices and technology;

"Rehabilitation Facilities" or "Facilities" means health facilities where medical and/or rehabilitation services are provided;

"Return-to-Work" means a set of workplace processes designed to facilitate the workplace reintegration of persons who experience a reduced work capacity due to occupational injury or disease. The injured or diseased individual's needs, the work environment, the enterprise needs and the legal responsibilities are considered as part

of a coordinated effort focused on job retention aimed at protecting and promoting health, well-being and workability;

“Statutory councils” means governance structures with which health professionals are required to be registered, including the Health Professions Council of South Africa, the South African Nursing Council and the South African Council for Social Service Professions;

2. Application of regulations

- (1) The provisions of these regulations shall not apply to employers who are exempted therefrom by the Director-General.

3. Appointment of Employee Health and Wellness Representative

An employer or employer individually liable may appoint or designate an employee as health and wellness representative for their business establishment.

4. Compensation Fund, Licensee, employer, or employer individually liable to provide rehabilitation and Return-to-Work

- (1) Subject to the provisions of the Act, the Compensation Fund, Licensee, employer individually liable, or the employer, as the case may be, shall provide access to facilities, services and benefits aimed at rehabilitating employees suffering from occupational injuries or diseases to Return-to-Work or the labour market.
- (2) Where an employee suffered a disability as a result of an occupational injury or disease, the Compensation Fund, Licensee, employer, or employer individually liable shall, with the consent of the employee, provide the employee with access to rehabilitation programmes to assist in restoring the employee's health, independence and participation in the labour market and society to the maximum extent practicable.
- (3) The Compensation Fund, Licensee, Employee health and wellness representative of the employer, employer individually liable, or a healthcare practitioner may recommend that an employee with a disability or whose occupational injury or disease is likely to result in disablement be referred for a rehabilitation programme.

- (4) The Case Manager of the Compensation Fund or Licensee may approve the referral for rehabilitation upon the recommendation of the employer's employee health and wellness representative or a healthcare practitioner.

5. Requirement for enrolment into Rehabilitation and Return-to-Work Programme

- (1) The employer and healthcare provider shall notify the Compensation Fund or Licensee of Injured/diseased employees of the need to enrol such employees in the rehabilitation and Return-to-Work programme.
- (2) The liability for the injury will be duly accepted by the Fund or Licensee
- (3) The injury is severe and will be classified as a disability as per the categorised diagnoses of the Compensation Fund or Licensee

6. Roles of the Compensation Fund and Licensee

The Compensation Fund and Licensee may:

- (1) Found, establish, or subsidise, or assist with the founding, establishment or subsidising of a body, organisation, or scheme whose objects include one or more of the following:
 - (a) facilities designed to provide rehabilitation and assist injured employees and employees suffering from occupational diseases or injury in their work or labour market.
 - (b) carry out any activity which will contribute to the attainment of any of the objects referred to in the sub-regulation above;
 - (c) ensure that employers and employees are made aware of their obligations within the occupational setting and the Compensation Fund or Licensees' rehabilitation and Return-to-Work processes;

- (d) ensure that appropriate financial resources are available to support the establishment, implementation and maintenance of the rehabilitation and Return-to-Work programmes;
- (e) provide appropriate support to stakeholder organisations to ensure that they meet expected goals, objectives and responsibilities in compliance with these regulations;
- (f) institute steps to increase stakeholder awareness and recognition of their own efforts in rehabilitation and Return-to-Work programme;
- (g) cover all reasonable medical expenses, clinically appropriate and cost-effective assistive devices and technology for rehabilitation of injured or diseased employees;
- (h) foster partnerships and designated service provider arrangements with stakeholders to streamline services and reduce the costs of clinical, vocational and social rehabilitation, including the requisite reporting;
- (i) monitor, evaluate and review the implementation of rehabilitation and Return-to-Work policy

7. Access to Information

The Compensation Fund or Licensee have the right to access medical records and any information that will assist the Fund or Licensee in discharging its duties in terms of the Act, taking into consideration relevant legislative requirements governing the release of confidential information and personal information.

8. Obligations of employers and employers individually liable

- (1) An employer or employer individually liable must facilitate access to rehabilitation for an occupationally injured or diseased employee's reintegration back into the workplace, and in so doing, the employer or employer individually liable must:
 - (a) provide and maintain, as far as reasonably practicable, a working environment that is safe and without risk to the health and safety of their employees;

- (b) identify, assess, evaluate, and mitigate occupational hazards;**
- (c) take all reasonable steps that are necessary under the circumstances to ensure that employees at work receive prompt first aid treatment in case of injury or emergency;**
- (d) facilitate required access and assistance to enable a disability or Case Manager from the Fund or Licensee to perform their functions;**
- (e) ensure reporting of all work-related injuries and occupational diseases to the Fund or Licensee by the employee health and wellness representatives;**
- (f) establish and maintain a system of rehabilitation and Return-to-Work reporting for all employees exposed to occupational injuries and diseases;**
- (g) submit the reporting data to the Fund or Licensee in the prescribed manner on an annual basis;**
- (h) keep rehabilitation and Return-to-Work reports for a period of not less than forty years;**
- (i) organise vocational guidance, skills development initiatives, reasonable accommodation, and placement;**
- (j) provide support and assistance to injured or diseased employees during work for rehabilitation, treatment or assessment;**
- (k) develop and implement a workplace rehabilitation and Return-to-Work policy and programme in compliance with these regulations and relevant legislation;**
- (l) integrate workplace rehabilitation and Return-to-Work cases into relevant structures to implement and monitor the programme within the workplace;**
- (m) provide reasonable, transitional or temporary work to allow the injured employee to work safely in the Return-to-Work process,**
- (n) modify work areas, duties, equipment or processes in accordance with the injured employee's capacity to allow for reasonable accommodation and assistive devices and technology where appropriate. This could include a review of duty allocation, transferring the injured employee to an alternative placement; altering the employee's working hours, making provision for a work trial; and/or giving the employees training;**
- (o) communicate promptly and openly with injured or diseased employees regarding the Return-to-Work process and methods to find appropriate alternative placement;**

- (p)** consult with all relevant stakeholders to resolve difficulties at the workplace that impact the outcomes of the rehabilitation and Return-to-Work programme;
- (q)** ensure that the employee undergoing rehabilitation can return to their original work where reasonably practicable or, where relevant, and shall for this purpose, reserve the employee's original work or, where appropriate, suitable alternative position until such time where evidence of incapacity has been provided after occupational injury or diagnosis of occupational disease;
- (r)** Guide the injured or diseased employee, including arranging appropriate vocational training and placement when he returns to work after an occupational injury or illness;
- (s)** not dismiss an employee based on incapacity or reduce the rate of their remuneration or alter terms of their employment conditions to a less favourable one as a result of being injured on duty, contracting an occupational disease without reporting such to the chief Inspectorate and the Fund or Licensees in writing stating the reasons for dismissal;
- (t)** notify the Compensation Commissioner in the prescribed manner about the resumption of duty or inability to retain employees after all efforts have been made to preserve the employment of the injured or diseased employee;
- (u)** for purposes of sub-regulation (a), (b), (c), the provisions of occupational Health and Safety Act no 85 of 1993, as amended from time to time, shall apply and
- (v)** for purposes of sub-regulation (s), the provisions of the labour relations act 66 of 1995 shall apply as amended from time to time.

9. Obligations of the employee

An employee must:

- (a)** report the injury or disease as soon as practicable after the injury or diagnosis to his or her immediate supervisor and/or health and safety representative;
- (b)** supply any relevant medical reports relating to rehabilitation and periods of absence from work and comply with any medical restrictions imposed at all times;
- (c)** avail himself or herself and actively participate in the implementation of the rehabilitation and Return-to-Work plan;

- (d) return to his or her pre-Injury duties at the pre-injury workplace where medically reasonable and safe;
- (e) accept an offer of reasonable accommodation, duties and assistive devices and technology where this is part of an agreed Return-to-Work plan.

10. Benefits and costs provided for under rehabilitation

- (1) The rehabilitation benefits provided in this sub-regulation may consist of the following: -
 - (a) clinical rehabilitation for the physical and psychological recovery of the employee and to reduce or remove any physical or functional impairment or disablement resulting from an occupational injury or disease;
 - (b) vocational rehabilitation to assist an employee in preserving, obtaining or regaining employment through vocational counselling, re-skilling and or up-skilling, altering of work environment, adjusting and enhancement of tools of trade;
 - (c) social rehabilitation to assist in restoring an employee's independence and social integration to the maximum extent practical; and
 - (d) the provision of assistive devices and technology where this is part of an agreed Return-to-Work and social reintegration plan.
- (2) For the purpose of costs of rehabilitation: -
 - (a) the costs for clinical, social rehabilitation, and Assistive Devices and Technology and vocational rehabilitation for previously employed workers with a permanent disablement as contemplated in sub-regulation (1), shall be borne by the Fund, and/or Licensee, including the costs of supplying, maintaining, and repairing Assistive Devices and Technology which have been issued in accordance with the guidelines and costs as published annually in the government gazette.
 - (b) the costs of vocational rehabilitation for employees returned to work, as contemplated in sub-regulation (1), shall be borne by the employer and employer individually liable, including the costs of and reasonable accommodation.

- (3) The provision of rehabilitation benefits contemplated in sub-regulation (1) and the resumption of work by an affected employee does not disentitle or disqualify the employee from receiving compensation benefits which would otherwise be payable under the Act;
- (4) Notwithstanding sub-regulation (3), the Commissioner may adjust any compensation benefits to a level or levels deemed equitable if the affected employee resumes work or disablement improves or deteriorates based on a rehabilitation plan developed in terms of this regulation.

11. The Compensation Fund, Licensee, employers or employer individually liable may require assessments and rehabilitation plans

- (1) Before providing clinical, vocational or social rehabilitation to an employee under the Act, the Fund, Licensee, employer or employer individually liable, as the case may be, may require the employee to: –
 - (a) undergo any assessment, including assessment of present and likely capabilities for the purposes of rehabilitation; and
 - (b) as the case may be, cooperate with the Fund, Licensee, the employer and employer individually liable in developing and implementing an individual rehabilitation plan.
- (2) The rehabilitation plan contemplated in paragraph (b) of sub-regulation (1) shall be approved by the Disability Manager of the Fund or Licensee.
- (3) Rehabilitation will require the authorisation of the Disability Manager of the Fund or the Licensee in accordance with the relevant Gazette tariffs.
- (4) An individual rehabilitation plan under paragraph (b) of sub-regulation (1) shall include but not be limited to the following: -
 - (a) conducting clinical assessments;
 - (b) identifying and implementing the employee's treatment requirements for rehabilitation.
 - (c) identifying and achieving the desired treatment outcomes.

- (d) conducting vocational rehabilitation assessments and implementing vocational rehabilitation interventions;
 - (e) conducting assessment and provision of Assistive Devices and Technology and
 - (f) specifying the rehabilitation services to be provided to an employee.
- (5) To the extent reasonably practical, an employee who receives rehabilitation benefits shall comply with the terms of an individual rehabilitation plan.

12. Individual rehabilitation plan

- (1) The Fund and Licensee may determine at any time the future healthcare services that should be provided to an employee in terms of an individual rehabilitation plan, provided that: –
- (a) the Fund and Licensee shall provide information to the employee regarding the process to be followed, the employee's rights and the accountability of the adoption of the rehabilitation plan;
 - (b) the rehabilitation plan prepared by the healthcare provider may be acceptable to the Fund and Licensee;
- (2) For the purpose of preparing an individual treatment or rehabilitation plan, the Fund or Licensee may require an employee to be assessed by a healthcare provider at the cost of the Fund or Licensee.
- (3) Once the Fund or Licensee determines an Individual treatment or rehabilitation plan in alignment with the relevant Gazette tariffs for an employee: -
- (a) the Fund or Licensee may direct that healthcare services required under the plan be provided by a contracted healthcare provider or any other service provider appointed by the Fund or Licensee; and
 - (b) the liability of the Fund or Licensee for payment for the healthcare service shall be limited to the healthcare services provided in the treatment plan.

13. Reintegration and Return-to-Work policy

- (1) An employer or employer individually liable must have a reintegration and Return-to-Work policy. The policy must be freely accessible and communicated to all employees in writing, and it must outline the following: -
 - (a) procedures that ensure the return of employees to work;
 - (b) provision of reasonable accommodation and Assistive Devices and Technology;
 - (c) an employee health and wellness plan that returns the employee back to work early;
 - (d) Re-skilling of employees for alternative work;
 - (e) Consequences for failure to comply with the policy and procedures; and
 - (f) Consistent support and Intervention by employers, employees, healthcare providers and Insurers.

14. Compensation of employees during rehabilitation

The employees undergoing rehabilitation shall be entitled to compensation benefits payable under the Act.

15. Functions of Disability Managers

- (1) A Disability Manager, as appointed by the Fund or Licensee, shall be responsible for the following: -
 - (a) setting up guidelines for referral to service providers in which the basis for the referral is the needs of the Injured or diseased employee;
 - (b) consultation with the Case Manager, employers, employees and medical service providers involved in the rehabilitation of an occupationally injured or diseased employee;
 - (c) development and, when necessary, the revision of a rehabilitation plan in consultation with the employer, affected employee and medical service providers;
 - (d) coordination of the interventions required from the various medical and vocational rehabilitation service providers;
 - (e) approval of rehabilitation programme;
 - (f) facilitating the early Return-to-Work of occupationally Injured and diseased employees; and

- (g) monitoring the progress of the employee's functional capacity to early Return-to-Work.

16. Functions of Case Managers

- (1) A Case Manager, as appointed by the Fund or Licensee, shall be responsible for:
 - (a) initiation, coordination and monitoring of an injured or diseased employee's workplace rehabilitation programme;
 - (b) facilitation of intervention and treatment as soon as practicable after an injury or disease;
 - (c) provision of an early, tailored, client-centred and coordinated intervention to employees experiencing a work-related injury or disease;
 - (d) provision of support, communication, coordination and cooperation among relevant stakeholders and professional organisations.
 - (e) promotion of the Return-to-Work approach;
 - (f) engagement with the management of clinical vocational rehabilitation providers.
 - (g) Coordination of the employer's responses to requests for information about the employee, their injury or disease, and their rehabilitation.

17. Obligations of Employee Health and Wellness representatives

- (1) An employer shall be responsible for identifying employee health and wellness representatives who will act as liaison officers between the Fund or Licensee, the injured or diseased employee and the medical and rehabilitation service providers. He or she will have the necessary knowledge, skill and competence in the application of this regulation and will educate both the employee and the service providers on this rehabilitation and Return-to-Work programme regulation and shall have the right to: -
 - (a) request and be provided with all relevant reports pertaining to the Injured or diseased employee;
 - (b) collaborate with the Fund or Licensee on the injured or diseased employee's needs as soon as the claim is reported and liability is accepted, including occupational and social needs, in collaboration with relevant stakeholders;

- (c) actively manage the approved vocational rehabilitation programme to ensure quality and cost-effective programme;
- (d) work with the employee supervisor and the occupational therapist to make sure that the Injured employee receives appropriate vocational rehabilitation and that a written Return-to-Work plan is developed and approved;
- (e) coordinate and monitor the implementation of the approved Return-to-Work plans;
- (f) provide information and support to the injured employee;
- (g) maintain a case or claim file and protect the confidentiality of the information on this file; and
- (h) foster partnerships and collaborate with public and private community agencies to ensure a durable Return-to-Work or social reintegration.

18. Criteria for approval of rehabilitation service providers

- (1) Approved rehabilitation service providers shall include but not be limited to organisations or individuals who are appropriately qualified and experienced to provide rehabilitation and related services;
- (2) Approved rehabilitation healthcare providers who are registered under the relevant statutory councils.

19. Obligations of rehabilitation service providers

- (1) Approved rehabilitation providers are responsible for the following: -
 - (a) performing professional duties only in the field where they have been educated and trained and where they have gained experience and professional competence, taking into account the extent and limits of such professional expertise;
 - (b) assisting in the preparation and implementation of the rehabilitation plan;
 - (c) liaising with all parties concerned to maximise the efficiency and effectiveness of the rehabilitation plan for the individual employee;

- (d) designing treatment and rehabilitation plans and rendering services that are fit and proper for the purpose, taking into account the employees; vocational and social needs;
- (e) only rendering services which have been approved and authorised by the Fund or Licensee, and relevant gazettes and
- (f) observing all the requirements of the Fund or Licensee.

20. Obligations of the Clinical vocational rehabilitation practitioners

Approved Clinical vocational rehabilitation practitioners must, within their scope of practice, work with the Fund, Licensee, employer and all relevant stakeholders within the employment relationship and shall be responsible for the following: -

- (1) delivering services to the employees in a cost-effective, timely and proactive manner to achieve a safe and durable Return-to-Work;
- (2) identifying and addressing behaviours and barriers that may hinder the individual's ability to benefit from the Return-to-Work process and develop strategies to address these;
- (3) considering workplace labour relations and human resources matters that have a bearing on the employee's Return-to-Work process and communicating these appropriately to relevant stakeholders;
- (4) evaluating functional performance as compared with job requirements and identifying and designing suitable duties for the employee to assist the employer in providing suitable employment;
- (5) identifying and coordinating vocational rehabilitation strategies that ensure that the employee can safely perform his or her duties, including work hardening; to ensure that relevant capabilities are adequately developed to meet the job demands;
- (6) making recommendations to the employer for workplace modifications and reasonable accommodation in line with the hierarchy of Return-to-Work;
- (7) communicating with all relevant stakeholders throughout the service provision process to ensure progress toward rehabilitation and Return-to-Work goals;

- (8) providing Assistive Devices and Technology prescriptions in accordance with the guidelines published in the Gazette annually and
- (9) avoiding over-servicing of patients by following appropriate peer-reviewed guidelines and clinical governance procedures for the treatment and servicing of patients;

21. Obligations of treating healthcare practitioners

- (1) Medical practitioners and medical specialists must comply with the professional standards, norms and conduct conferred to them by their professions.
- (2) They must perform professional acts only in the field of medicine in which they are educated and trained, or they have gained experience and competence, taking into account the extent and the limits of their professional expertise. Their roles and responsibilities are to: -
 - (a) assess and examine the injured or diseased employee and make an appropriate diagnosis based on chronology, causality, medical probability, evidence-based medicine and current best practice;
 - (b) develop an appropriate treatment plan and arrange and monitor treatment based on accepted guidelines and protocols as provided by current scientific medical knowledge as updated from time to time;
 - (c) communicate and cooperate with other medical practitioners, medical specialists and other healthcare practitioners in the diagnosis and treatment of patients;
 - (d) avoid over-servicing of patients by following appropriate peer-reviewed guidelines and clinical governance procedures for the treatment and servicing of patients;
 - (e) observe ethical and legal standards about the management and treatment of patients as stipulated in various statutory mandates and ensure that the best interest principle is always observed;
 - (f) duly complete all medical reports and other reports and submit such to the Compensation Fund or Licensee in the prescribed manner and as and when may so be required;

- (g) review the progress of recovery of the injured or diseased employee and revise the employee's treatment plan as appropriate;
 - (h) only certify time off when it is medically indicated and justifiable;
 - (i) complete all medical certificates and specify all medical restrictions which must be observed when returning the employee back to work;
 - (j) collaborate in the promotion of a safe Return-to-Work by arranging referral to a rehabilitation professional in collaboration with the Fund or Licensee; and
 - (k) avail themselves for discussion and advice on the management of the injured or diseased employee and issues relating to medical and vocational rehabilitation;
- (3) provide the patient with a discharge report at the time of the discharge from a health establishment containing such information as may be prescribed in terms of the National Health Act;
- (4) The prescribed information contemplated in subsection (1) must have regard to the following: -
- (a) the nature of the health service rendered;
 - (b) the prognosis of employees' condition;
 - (c) a final diagnosis of an employee; and
 - (d) the need for follow-up treatment must be in writing in the case of an in-patient.
 - (e) a discharge report for out-patient and in-patients must also be in writing.

22. Obligations of an occupational health practitioner or medical practitioner

- (1) Occupational health practitioners and occupational medical practitioners are responsible for the following: -
- (a) identifying and assessing the risks from health hazards in the workplace to assist in the protection and promotion of employees' health;
 - (b) carrying out surveillance of factors in the working environment and working practices that may affect employees' health;
 - (c) combining an understanding of the medical issues with that of the requirements of the specific job and the work environment;

- (d) assisting the employer in establishing emergency preparedness and response programmes and organising first aid and emergency treatment for employees who sustain occupational injuries or contract diseases;**
- (e) reporting all occupational injuries and diseases timeously in the prescribed manner and assisting in the investigation thereof;**
- (f) assisting in the promotion of the adaptation of the employees' job, assessing disability and fitness for work and promoting work ability;**
- (g) providing experience and expertise in addressing barriers to Return-to-Work by advising the employee, the employer, the treating doctor, and other healthcare professionals on the full range of occupational health issues;**
- (h) contributing to the maintenance of the quality of working life at the highest possible level through evidence-based occupational health programmes in the workplace;**
- (i) the development of policies and procedures to assist organisations to function more effectively in attaining healthy and safe working conditions, including helping the organisation in developing and implementing Return-to-Work programmes;**
- (j) working in collaboration with vocational rehabilitation providers to ensure a seamless Return-to-Work process;**
- (k) participating in the drawing up of and implementation of the employee's individualised Return-to-Work plan; and**
- (l) providing expert evidence in labour forums or other medico-legal platforms concerning disputes related to fitness to work or medical incapacity that requires alternative placement or medical boarding.**

23. Roles and obligations of Rehabilitation Facilities

- (1) Rehabilitation Facilities must play an active role in ensuring that they facilitate the ethical and cost-effective treatment of patients admitted to such facilities**
- (2) They are required to observe the set norms and standards and ensure that healthcare providers using their facilities are adequately qualified, experienced, and competent to deliver the required service to the expected standard.**

- (3) They are responsible for ensuring the following:**
- (a) that patients who are brought to the facility in an emergency are treated and stabilised, and that emergency treatment is not unlawfully denied;**
 - (b) that patients are respected and their rights upheld, including informed and dignified attention in an acceptable and hygienic environment;**
 - (c) timeous availability of medicines and efficient provision of diagnostic, therapeutic and other clinical support services and necessary medical technology, as well as systems to monitor the efficiency of the care provided to patients;**
 - (d) quality nursing and clinical care, and ethical practice;**
 - (e) that there is no over-servicing of patients and unnecessary provision of services which do not add quality-of-life value to patient's outcome;**
 - (f) reduction of unintended harm to healthcare users or patients in identified cases of greater clinical risk;**
 - (g) prevention or management of problems or adverse events, including healthcare-associated infections; and support of affected patients; and**
 - (h) that measures are put in place to detect fraud and corruption or abuse of the health system, insofar as it affects compliance with prescribed norms and standards.**

24. Assessment of employers participating in a rehabilitation programme

- (1) Subject to the provisions of section 85, the Commissioner may assess the employers participating in the Return-to-Work programme at a lower rate as he or she may deem necessary.**

25. Contracted healthcare service providers for rehabilitation (designated service providers)

- (1) The Fund or Licensee may enter into agreements with public and private sector healthcare providers to provide for: -**
- (a) the delivery of healthcare services to injured or diseased employees and medical reports to the Fund or Licensee;**

- (b) an agreed fee structure and terms of payment for the healthcare services, medical reports and record-keeping, which may differ, subject to affordability, value for money and an open, transparent, fair and competitive bidding process, from the tariffs prescribed by the Minister in the Gazette in terms of the Act;
- (c) supplying, maintaining and repairing Assistive Devices and Technology, which has been issued in accordance with the guidelines and costs as published annually in the Gazette;
- (d) medical, healthcare and rehabilitation policies, protocols or standards to be complied with by the contracted healthcare provider;
- (e) the keeping of additional records of injuries and occupational diseases and treatment provided and the provision of such records to the Fund or Licensee;
- (f) pre-authorisation in respect of non-emergency healthcare services in accordance with the relevant Gazettes; and
- (g) any other matter relating to the provision of healthcare services for occupational injuries and diseases.

26. Non-contracted healthcare service providers for rehabilitation

- (1) The Fund or Licensee shall be liable to pay a non-contracted healthcare provider or any person who paid such a healthcare provider the costs of healthcare services provided to an occupational injured and diseased person, provided that: -
 - (a) a claim must be submitted in the manner prescribed in this Act or Regulations;
 - (b) the Minister may, after consultation with the Minister of Health, limit the liability of the Fund or Licensee for the provision of healthcare services, repairing or replacing Assistive Devices and Technology, and compiling medical reports; prescribed tariffs; and
 - (c) subject to section 23 of the Act, the Fund or Licensee shall only be liable for healthcare services available and received in the Republic and medical reports compiled in the Republic.
- (2) The Fund or Licensee may, in the manner set out in the gazetted and regulated procedures, require its prior approval in respect of non-emergency healthcare services.

- (3) The Fund or Licensee shall not be liable for the healthcare services mentioned in subsection (2) if prior approval had been required but not obtained.

27. Penalties for Non-Compliance

- (1) An employer or employer individually liable who fails to comply with the provisions of these regulations shall be liable to a fine or penalty as determined by the Commissioner.



MR T W NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
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