

COVID Amendment Bill update

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Parliament has recently presented with acute symptoms of cephalalgia, canities, emesis and amnesia, all brought on by hearings into the Compensation Fund and COVID Bill. From Tuesday 20 April to Wednesday 28 April this year, stakeholders from the South African Medical Association, the Hospital Association of South Africa, the Occupational Therapy Association, the National Employers' Association, the Congress of South African Trade Unions (COSATU), and other organisations made representations on the Compensation for Occupational Injury and Diseases Act (COIDA) Amendment Bill to the Parliamentary Portfolio Committee on Employment and Labour. Almost without exception, the presenters bemoaned the chronic dysfunctionality of the Compensation Fund and expressed opposition to the controversial Clause 43(4) of the COVID Bill that would effectively prohibit medical service providers ceding their medical invoice payment claims against the Compensation Fund.

Mindful of COVID-19 protocols, the hearings were held virtually and were generally conducted in an efficient, thoughtful and engaged manner. Parties were provided with a full 90 minutes to make and defend their presentations. Thus, Parliament, and the Committee in particular, are to be congratulated for conducting their constitutionally-mandated deliberative role. So impactful were the presentations that the Committee was left in no doubt as to the earnestness and integrity of the presenters, and the importance of their contributions.

Consequently, when the commissioner of the Compensation Fund and his team appeared before the same Committee earlier this month, a clearly frustrated Committee chair, the Honourable ML Dunjwa, told Commissioner Mafata that the Fund was giving the Committee a 'headache' and making its oversight mandate difficult due to the Fund's inability to provide it with relevant and detailed information.

The 'Compensation Fund Parliamentary Pandemic 21' spread further, however. At a briefing on the Compensation Fund 2019/20 annual report to the Parliamentary Portfolio Committee on Public Accounts (SCOPA), "The Auditor General painted a grim picture that confirms our worst fears about the Fund. It is confirmation of the extent of the rot."¹ The SCOPA chair commented that, if he is still chairperson next year, he will "pull his hair out if he must sit and listen to the same audit outcomes from the same individuals in the same institution, but with no progress."¹

The contagion effect was compounded by the responsible minister,

Thulas Nxesi, concurring that the Compensation Fund was "rotten to the core."² More than headaches, premature hair loss and putrefaction, the virus then rapidly mutated into a particularly virulent form, manifesting in immediate and comprehensive memory loss among the Department of Employment and Labour cohort. Vital statistics could not be recalled; key information could not be retrieved; the virus had corrupted all memory.

Yet four serious measures emerged from this melange of malcontents. First, a forensic audit of the Compensation Fund is to be carried out. Second, the Special Investigative Unit (SIU) is to be called on to get to the bottom of the fruitless and wasteful expenditure. Third, the diagnosis of the Compensation Fund being not fit for purpose was accepted, and wholesale reconstructive institutional and governance surgery is in the offing. Finally, SCOPA had the gumption to say what should have been said many years ago, before hundreds of millions of taxpayers' rands were wasted on dressing the wound rather than excising the cancer: that the Department of Employment and Labour and the Compensation Fund leadership are simply not up to the task, and require an urgent transplant.

There is, however, a deeply concerning postscript to these remarkable events. Largely absent from Parliament's critiques of the Compensation Fund was mention of the impact that its decay has had on the lives, health, financial sustainability and wellbeing of the medical service providers who are left waiting for months, if not years, to be compensated for treating injured workers in good faith.

Members of the medical fraternity are the forgotten heroes in this tragedy, and it would seem timely for members of the occupational health fraternity to make their voices heard before the Parliamentary Portfolio Committee on Health, now that the Employment and Labour Committee and SCOPA have been shocked into action.

REFERENCES

1. South Africa. Parliamentary Monitoring Group Committee Minutes; 19 May 2021.
2. Khoza A. Furious Scopa chair orders probe into corruption at Compensation Fund. TimesLIVE; 2021 May 19. Available from: <https://www.timeslive.co.za/politics/2021-05-19-furious-scopa-chair-orders-probe-into-corruption-at-compensation-fund/> (accessed 28 May 2021).



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