

# Reporting of Occupational Diseases according to Section 25 of the Occupational Health and Safety Act, Act 85 of 1993

The Department of Labour's vision is to establish a labour market that is conducive to investment, economic growth, employment creation, and decent work for all. The International Labour Organization (ILO) estimates that two million lives are claimed each year due to occupational diseases.<sup>1</sup> The World Health Organization (WHO) defines an occupational disease as a disease contracted primarily as a result of an exposure to risk factors arising from work activity.<sup>2</sup> The impact of these diseases is not only on the lives of workers,<sup>1</sup> but also on the workers' families and communities. Other major effects are the reduction in economic productivity and the financial burden on the country in terms of the health budget.<sup>1,6</sup>

In the changing global economy with new technologies and social environments, existing health hazards, as well as new risks, are becoming more common.<sup>1</sup> Many occupational diseases, such as pneumoconiosis, remain prevalent, while 'newer' occupational diseases, including mental disorders and musculoskeletal disorders (MSDs), are now frequently diagnosed in the working environment.<sup>1</sup>

The Department of Labour committed itself to the elimination of silicosis by 2030 and a reduction in noise-induced hearing loss, through the implementation of focused programmes. The reduction in the number of occupational diseases through preventive programmes will assist the Department in achieving its goal of enhancing economic growth, creating employment and providing decent working conditions for all employees. Despite these programmes aimed at disease reduction, they continue to be seen in the occupational environment.

All occupational diseases are required to be reported to the Department of Labour. Medical practitioners are required to report the diagnosis of an occupational disease in two ways. First, to the Compensation Commissioner according to Section 68 of the Compensation for Occupational Diseases and Injuries Act, Act 130 of 1993 and, second, to the Chief Inspector of the Department of Labour according to Section 25 of the Occupational Health and Safety (OHS) Act, Act 85 of 1993.<sup>3,4</sup> The occupational disease notifications must also be sent to the provincial director within 14 days of diagnosis as prescribed in terms of the General Administrative Regulations (GAR) 8(4).<sup>5</sup> The purpose of dual reporting is to facilitate insurance claims to the Compensation Commissioner and to ensure investigation for the purpose of future prevention, through the Chief Inspector.

Reporting to the Chief Inspector allows the Department of Labour inspectorate to investigate why and how the employee was diagnosed with the occupational disease and how the occurrence of future cases might be prevented. From the low number of reports of occupational diseases received by the Chief Inspector's office, it is clear that there is under-reporting

and that medical practitioners are not following the reporting requirements of the legislation.

The implication of poor reporting of occupational diseases has a twofold effect. First, non-compliance with Section 25 of the OHS Act and GAR 8 (4) are offences that are punishable by a fine, jail time or both. Second, the low level of reporting reduces the number of occupational disease investigations conducted by the Department of Labour's inspectorate. The investigations are designed to prevent recurrence through the identification of causation, and the identification of adequate controls and solutions. This also protects the lives of employees and their families, and has a positive influence on the socio-economic environment in a country.<sup>6</sup>

Based on the under-reporting of occupational diseases, the Department of Labour has developed a new reporting tool. The tool is designed to assist medical practitioners in conducting a thorough investigation of the occupational disease and the subsequent reporting of the disease to the Chief Inspector. The tool includes the minimum information required by an inspector to conduct an investigation. The new reporting tool will be incorporated into the amendment to the GAR, after approval has been given by the Minister of the Department of Labour. In the interim, occupational diseases should be reported to the Chief Inspector:

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## REFERENCES

1. International Labour Organization. World Day for Safety and Health at Work. ILO calls for urgent global action to fight occupational diseases; April 2013. Available at: [http://www.ilo.org/global/about-the-ilo/media-centre/press-releases/WCMS\\_211627/lang-en/index.htm](http://www.ilo.org/global/about-the-ilo/media-centre/press-releases/WCMS_211627/lang-en/index.htm) (accessed 7 Nov 2015).
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3. Department of Labour. Compensation for Occupational Diseases and Injuries Act, Act 130 of 1993; 1993.
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