

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

**REGULATIONS ON CHAPTER XA INSPECTION COMPLIANCE AND
ENFORCEMENT**

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

These Regulations shall be effective on the date of publication hereof



N METH, MP

MINISTER OF EMPLOYMENT AND LABOUR

DATE 7 November 2025

SCHEDULE A

Regulation

In these regulations, "the regulations" means the regulations relating to inspections, compliance and enforcement under the Compensation for Occupational Injuries and Diseases Act, 1993; and any word or expression to which a meaning has been assigned in these regulations shall have that meaning unless the context otherwise indicates

1. DEFINITIONS

"Particulars" means any information, book, document, record or thing that in the opinion of the Commissioner may be considered as relevant for the administration of the Act;

"Letter of good standing" means a valid letter confirming employers' compliance with sections 80, 82, 83, 86, and 87 of the Act issued by the Commissioner.

2. Appointment and identification

- (1) An Inspector appointed in terms of Section 93A shall be issued with a certificate stating:
 - (a) Full names of the Inspector;
 - (b) That a person is an inspector;
 - (c) Employee /Persal number; and
 - (d) Date of appointment; and
 - (e) Legislation an inspector is monitoring and enforcing.

- (2) When conducting inspections in terms of Section 93B(1)(a), an inspector may advise employees of their rights and obligations in terms of the Act which includes amongst others:
 - (a) the obligation to report an accident in terms of the Act to her/his employer within the prescribed period;
 - (b) the right to receive benefits or compensation;

- (c) the right of employees to object to a decision of the Commissioner in terms of Section 91;
 - (d) the right to request the Commissioner to vary a decision in terms of section 90;
 - (e) the obligation of employees to submit themselves for medical examination for any occupational injury or disease suffered or contracted; or
 - (f) the obligation to submit any information related to an accident.
- (3) When conducting an inspection in terms of Section 93B, an inspector may advise employers terms of the Act which includes amongst others:
- (a) the obligation to register with the Compensation Fund in terms of Section 80 of the Act;
 - (b) the obligation to keep records in terms of the Act;
 - (c) the obligation to submit annual returns to the Compensation Fund in terms of the Act in order to be assessed in terms of Section 82;
 - (d) the employers right to be assessed by the Commissioner on the earnings and related information declared;
 - (e) the employer's obligation to pay any assessments, fees, penalties or any other monies due to the Compensation Fund;
 - (f) the employers right to be refunded any amounts or monies due in terms of the Act;
 - (g) the right of employers to object to a decision of the Commissioner in terms of Section 91; or
 - (h) the right to request the Commissioner to vary a decision in terms of section 90.
- (4) When conducting investigations in terms of section 93B(1)(c), inspectors shall:
- (a) notify the employer of the complaint and request the employer to provide detailed reports or make written representations;
 - (b) notify the employer of the obligation to comply with any notices and related stipulated due dates as informed by the inspector;

- (c) notify the employer of planned site visits in order to conduct further investigation on the complaint, detailing the date, time and where possible the information or records required;
- (d) notify the employer of the right to attend or assign an official to attend such site visits by the inspector;
- (e) notify the employer of the employer's right to access communication of the outcome of any enquiry, investigation, site inspection or audit;
- (f) notify the employer of the inspector's right to issue the employer with a compliance notice and subsequent order of court; on or upon the expiry of the notification period in terms of section 93F or on finalisation of the inspection;
- (g) notify the employer of the employer's right to object to a finding of the inspector.

4. Investigation of non-compliance in terms of Section 93F (2)(b)

- (1) An inspector may, after issuing the compliance order, investigate with the employer to determine the extent of non-compliance in terms of sections 39(6) and 39(8) with regards to failure to notify the Commissioner of an accident and failure to report the accident in the prescribed manner.
- (2) When conducting investigation in terms of section 93F(2)(b) the inspector shall:
 - (a) furnish the Commissioner with the particulars of the accident in terms of section 40(2)
 - (b) investigate the employer's failure to pay Temporary Total or partial Disablement to the employee in terms of section 47(3)(a);
 - (c) confirm with the employer the earnings for the purposes of calculating compensation benefits payable or calculating earning for assessment;
 - (d) investigate the incidents of negligence of the employer that contributes to accidents or diseases in terms of section 56;
 - (e) investigate unauthorised deductions of employee earnings in terms of section 64(1);

- (f) investigate the failure to notify the Commissioner of an occupational disease in terms of section 68(2);
- (g) investigate the failure of the employer to pay an assessment or failure to register and provide particulars in support of accident in terms of section 87; or
- (h) conduct verification of the contractor's employee or that of the subcontractor

3.4 When conducting inspection to confirm or ensure compliance, the inspector shall:

- (a) notify the employer of the purpose of the compliance inspection;
- (b) notify the employer of the employers' obligation to comply with the inspection notice;
- (c) notify the employer of planned site visits in order to conduct inspections, detailing the date, time and where relevant the information or records required;
- (d) notify the employer of the employer's right to attend or assign an official to attend such site visits by the inspector; or
- (e) notify the employer of the employer's right to communication of the inspector's outcome of any enquiry, investigation, site inspection or audit.

4. Notice Period

- (1) The inspector shall for the purpose of investigation in terms of regulation 4 above, give the employer 14 days' notice to comply with the request for representation.
- (2) The inspector shall, for the purpose of inspection in terms of regulation 5 above, give the employer 14 days' notice of its intention to conduct such inspection. The Commissioner may, on a good cause shown, extend the period contemplated in sub-regulations (a) and (b) by a further period of 14 days.
- (3) The inspector may in certain exceptional circumstances conduct an inspection or investigation without prior notice to the employer.



N METH, MP

MINISTER OF EMPLOYMENT AND LABOUR

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