

# Letter to the Editor . . .

## The Compensation Fund needs your help!

**A** lengthy paper on the role of medical doctors in compensation claims was published in this journal in 2006<sup>1</sup> highlighting some of the prevalent problems in a paragraph on "Hearings of objections" under Section 91 of the COIDA Act<sup>2</sup> of 1993. It was shown by surveying 150 such hearings that in 117 (78%) of these the medical evidence presented at the hearing enabled the tribunal to arrive at a decision on whether or not the employee's objection should be upheld. In 54 (52%) of these cases the decision favoured the claimant, while for 17 (11%) further medical evidence was required. All the other objections failed, mostly on non-medical grounds.

The Medical Assessor has a crucial role to fulfil for the considerations by these panels. He or she is there to advise the other members of the panel on the merit of the medical evidence presented, taking into account its validity under the regulations of the Act. The Medical Assessor has no voting power; that is reserved for the Presiding Officer and the two assessors.

After serving in this capacity for more than twenty years and being involved with a few hundred hearings, I have now had to resign as Medical Assessor, leaving a wider gap than one would imagine. This is because very few colleagues in occupational medicine, especially in the Western Cape area, have made themselves available to act as Medical Assessors. Many times when I was unavailable the Compensation Fund had to fly in a doctor from Gauteng!

It is incomprehensible, without using a stronger term, that there are at present only 20 doctors in South Africa who serve as Medical Assessors: nine in the Pretoria, Johannesburg and Rustenburg area; five in Durban; four in Port Elizabeth; and one in Bloemfontein and East London! Yet in the Western Cape, where two universities teach occupational health and medicine, there are now none! (Personal communication from Legal Services at the Compensation Fund.)

Earlier appeals, initiated by the Head of Legal Services of the Fund some time ago, have had little success. In 1998, SASOM arranged the compilation of a comprehensive Medical Practitioners Guide on Compensation for Occupational Injury and Disease for use in training courses. In 2002, the Compensation Commissioners Office developed an "Assessor Training Manual." However, there is still a totally insufficient number of occupational medicine practitioners available to serve as Medical Assessor.

It is perhaps understandable that some colleagues are

hesitant to put their names down for this function as the work is encumbered by many frustrations, cancellations, delays, non-appearance of witnesses and all sorts of administrative hassles, causing loss of valuable time while fees are low and payment often late!

However, I propound that the function of Medical Assessor is not only an essential contribution to tribunals for their considerations of objections of injured or diseased workers. It is also an essential medical service to claimants (patients in medical parlance) and should be considered as part of our functions and duties as occupational medicine doctors! In many instances when acting in this capacity, one will also derive satisfaction and a sense of fulfilment to have served some aggrieved person well!

I direct this appeal to all my colleagues who have chosen occupational medicine as their special interest, asking you to request the Minister of Labour to appoint you as Medical Assessor. This will offer you an opportunity to serve those persons affected by occupational injury or disease, who have lodged objections against adverse decisions by the Compensation Commissioner.

There is no excuse, I might add, not to volunteer for this work for those of you who are in full-time employment and would consequently not suffer any financial loss, as might be the case for private practice occupational specialists. Even they, because of their calling, should be prepared to accept this as a minor disincentive!

Please address your request to be appointed as Medical Assessor by email to the Head of Legal Services of the Compensation Fund ([dries.brand@labour.gov.za](mailto:dries.brand@labour.gov.za)) adding a short professional CV to enable them to process your application.

Then I am sure you will enjoy the work involved, taking any frustrations in your stride!

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### REFERENCES

1. Mets J. The role of medical doctors in claims on the Compensation Fund. *Occupational Health Southern Africa*. 2006; 12(3):16-22.
2. Department of Labour, South Africa. Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993, as amended by the Compensation for Occupational Injuries and Diseases Amendment Act No. 61 of 1997. Accessed on 1 November 2009 at <http://www.labour.gov.za/legislation/acts/compensation-for-occupational-injuries-and-diseases/compensation-for-occupational-injuries-and-diseases-act> .