COIDA amended: A new legal framework for rehabilitation, reintegration, and return-to-work

What the section 70A insertion means for occupational medicine practice in South African industry, with relevance to mining (and all employers in South Africa)

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South Africa's Compensation for Occupational Injuries and Diseases Act No. 130 of 1993 (COIDA)[1] has undergone its most significant reform in more than three decades. The COID Amendment Act was signed into law on 23 January 2026,[2] and the accompanying Rehabilitation, Reintegration and Return-to-Work Regulations – made under the newly inserted section 70A in Chapter VIIA of the Act – were gazetted by the Minister of Employment and Labour, Ms Nomakhosazana Meth. Various provisions have since come into operation, with the Compensation Fund and its Licensees (including Rand Mutual Assurance (RMA) and Federal Employers Mutual Assurance (FEMA)). For the occupational medicine fraternity, these changes fundamentally reshape how workers with occupational injuries and diseases are managed – from diagnosis through to recovery.

Beyond section 70A, the amendment affects several established provisions of the Act, as summarised in Table 1.

Chapter VIIA, section 70A – Beyond compensation: rehabilitation and reintegration

The insertion of section 70A in Chapter VIIA is the amendment that the occupational health fraternity should study most closely. It creates, for the first time, a statutory obligation to rehabilitate before compensating: injured workers or employees with an occupational disease must be given structured access to facilities, services, and benefits aimed at restoring function, retaining dignity and, where reasonably possible, returning to work and participating in the community. The accompanying Regulations (Schedule A) define three interconnected pillars of rehabilitation: 1) clinical (medical recovery), 2) vocational rehabilitation (work hardening and workplace reintegration) PLUS vocational reskilling (alternative career training and economic participation), and 3) social reintegration (independent living and community reintegration).

The Compensation Fund and its licensees are required to fund, monitor, and provide oversight for rehabilitation programmes. Employers must facilitate access to case management, maintain safe working environments, implement reporting systems, provide vocational reskilling support, and offer inclusive employment where possible, and may not dismiss an employee for incapacity without first notifying the Fund or Licensee. Healthcare practitioners are required to ethically practice rehabilitation, design rehabilitation plans suited to each employee's vocational and social needs, engage across multi-disciplinary teams, and report progress. Injured workers are required to actively participate in their rehabilitation and return-to-work plans and to accept reasonable accommodation.

Rehabilitation and return-to-work records must be retained for a minimum of 40 years, and participation in rehabilitation does not disqualify an employee from compensation benefits otherwise payable under the Act.

The players making section 70A a reality

Making section 70A operational requires close collaboration between several role-players: the Compensation Fund and Licensees (who fund baskets of care and accredit providers), employers (who must build internal rehabilitation and return-to-work policies and structures), rehabilitation case managers (who coordinate the individualised rehabilitation plan across the multi-disciplinary team), healthcare practitioners across clinical, vocational, and social rehabilitation disciplines, and employee health and wellness representatives appointed by employers as the day-to-day liaison with the Fund or Licensee. The shift from a compensation-only model to a structured, monitored return-to-work pathway represents a material change in both clinical practice and employer compliance obligations, including penalties for non-compliance once the regime is fully in force.

Table 1. Summary of changes to the Compensation for Occupational Injuries and Diseases Act No. 130 of 1993

Section	What changed
Section 22(5) – transport to/from work	Compensation now extends to injury or death arising from an accident while an employee is being transported to or from work in transport provided by the employer, subject to the conditions in section 22(5).
Section 22(3) – serious/wilful misconduct	The exclusion of accidents attributable to an employee's serious and wilful misconduct is narrowed: it now applies only where the incident resulted in serious disablement or death.
Chapter VIIA, section 70A (new)	A statutory rehabilitation, reintegration, and return-to-work framework has been introduced.*
Section 90 – review	Permanent-disablement pension claims and awards may now be reviewed at the insistence of the affected party.
Section 91 – objections	The window to lodge an objection is extended from two to 18 months.
Section 44 – prescription of claims	The right to benefits no longer lapses after 12 months; it now lapses after three years, provided the incident was brought to the attention of the Commissioner or Licensee.

*the focus of this report

The shift – and what it demands of you

The regulatory shift is significant; early, informed engagement by the occupational medicine fraternity will determine how effectively it improves outcomes for South Africa's injured workers.

Occupational medicine practitioners are now formally recognised participants in this regulated pathway. For the occupational medicine practitioner, occupational health nurse, and employer, that shift involves six new requirements:

- Review internal return-to-work policies (employers): human resources; health, safety, and environment; and transformation-alignment with section 70A
- Intervene early to increase the chances of return-to-work, rather than waiting for a claim to mature
- Insist on and document compliance with the rehabilitation plan, not only the compensation claim
- Take ownership of case management across the clinical, vocational, and social pillars
- Stay engaged through to reintegration, whether that means a return to the same job, a modified role, or renewed participation in the worker's home community
- Establish reporting relationships with the relevant Compensation Fund or Licensee

REFERENCES

1. South Africa. Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993). Available from: https://www.gov.za/sites/default/files/gcis_document/201409/act130of1993.pdf (accessed 28 Aug 2026).
2. South Africa. Compensation for Occupational Injuries and Diseases Amendment Act, 2022 (Act No. 10 of 2022), as amended. Available from: https://www.gov.za/sites/default/files/gcis_document/202304/48431-17-4-compensationoccupinjuriesdiseasesamendact10of2022a.pdf (accessed 28 Aug 2026).

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