

COMMENT 2WORKMEN'S COMPENSATION AND UNCLAIMED MONEYS

'More than R150 000 awarded to 3 200 workers in South Africa who have been injured is unclaimed ... The amounts range from R6 to R3 500. Many workers are black contract workers, although whites, coloured people and Asians are also included. A spokesman for the Department of Labour in Cape Town said today all efforts were made to trace the people to whom compensation money was owed. "Once their claim has been processed a cheque is sent to the address supplied on the claim. When the cheque is returned we then inquire from their employers whether they know of their whereabouts. In the case of blacks we ask the local authority of the Administration Board to try to trace them. If all else fails the person is listed in the Government Gazette" he added' (The Argus, 29 Sept., 1978).

A serious shortcoming in the administration of the Workmen's Compensation Act is the failure of the Workmen's Compensation Commissioner to trace many of the injured workers to whom compensation is due. Many of the workers who do not receive their compensation payments are African contract workers, the very people who are most often in dire need. This unsatisfactory state of affairs has existed for many years now. As the Labour Bulletin's recommendations to the Wiehahn Commission on the Workmen's Compensation Act show, the total sum of unclaimed moneys due to workers and their dependents amounted to over R2,7 million by the financial year 1974-75. (We reprint the recommendations elsewhere in this Bulletin).

The time is long overdue for tightening up the administration of the Workmen's Compensation Act in order to ensure that all workers entitled to claims under the Act, do in fact receive these claims. This can be achieved by redesigning prescribed forms (such as W.CI.100: Employer's report of an Accident to a Bantu Workman) to include both the urban and rural residential addresses of all contract and other workers with rural

dependents. It should also be made compulsory for employers to provide both these addresses and the address of dependents or next-of-kin. Serious consideration should also be given to establishing closer co-operation between the Workmen's Compensation Commissioner and the Divisional Inspector of Labour to whom all accidents have to be notified forthwith by employers in terms of Section 31 of the Factories Act. The factory inspectorate could then be mobilised to ensure compliance with the regulations of the acts. To become effective the inspectorate's manpower should be expanded. At the time of the Erasmus Commission only 29 of the 66 posts allocated for factory inspectors had been filled. In order to acquire the manpower to achieve this desired level of efficiency, the control of Workmen's Compensation should be placed in the hands of a statutory commission which includes elected trade union representatives.

It is however not enough to rely on statutory bodies for the efficient administration of claims under the Workmen's Compensation Act. Trade unions are necessary to educate workers about their rights, to inform and assist them in making their claims for compensation, to arrange legal assistance and medical examinations where necessary, and to keep their own records of the urban and rural addresses of workers and their dependants. Only through their own organisation can workers really ensure that they are adequately compensated when they suffer industrial accidents or disease.