

Employment Law



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SOUTH AFRICA

- New COIDA Regulations now published: Rehabilitation Framework takes shape
- COIDA Amendments now in force: A new era for workplace injury compensation in South Africa

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New COIDA Regulations now published: Rehabilitation Framework takes shape

On 6 March 2026, the Minister of Employment and Labour published several sets of regulations under the Compensation for Occupational Injuries and Diseases Act 130 of 1993, as amended (COIDA), in Government Gazette No. 54273. In our previous alert, we reported on the commencement of the COIDA amendments brought into operation by Proclamation Notice 306 of 2026, including the new statutory rehabilitation framework introduced by section 70A. The detailed regulations governing the implementation of the rehabilitation and return-to-work programmes have been published and are effective immediately.

The new regulations are published in four separate sets, dealing respectively with prescription of claims, inspection compliance and enforcement, rehabilitation, reintegration and return-to-work, and the registration of third parties transacting with the Compensation Fund. What is of particular significance to employers are the Rehabilitation, Reintegration and Return-to-Work Regulations, which give practical effect to the statutory framework inserted by the recent amendments to COIDA which imposes substantial new obligations on employers, the Compensation Fund, and licensees.

These rehabilitation regulations adopt a comprehensive, person-centred approach with the aim of assisting the employee who suffered a workplace injury or illness to be able to recover and return to work. These regulations encompass early intervention, holistic rehabilitation programmes, sustainable reintegration, provision of assistive devices, reasonable workplace accommodation, vocational rehabilitation intervention, and ongoing support to optimise the affected employee's physical, psychological, and social well-being in their journey to recovery.



Critically, employers would now be required to designate or appoint an employee health and wellness representative to act as a liaison officer between the employer and the Compensation Fund or licensee on all rehabilitation, reintegration, and return-to-work matters. Such representative must have the necessary knowledge, skill, and competencies to discharge this function, including coordinating the provision of assistive devices, monitoring return-to-work programmes, and maintaining confidential case files.

Employers face a wide range of new obligations under these regulations. They must facilitate access to rehabilitation for injured employees or those who have suffered a disease to assist in their reintegration in the workplace as far as reasonably practicable. This includes providing reasonable accommodation and transitional or temporary work, which may involve the possibility of changing aspects of the physical environment, adjusting work schedules, modifying job tasks, or transferring the employee to an alternative position. Employers who participate in the rehabilitation programmes are also required to incorporate rehabilitation, reintegration, and return-to-work provisions into their human resources policies, which must be freely accessible and communicated to all employees. Of particular note to employers is the prohibition on terminating the services of an employee based on incapacity or reducing an employee's remuneration due to an injury sustained on duty or where the employee contracts an occupational disease, without adhering to the prescripts of the relevant employment legislation.

The regulations also set out the rehabilitation benefits that employees would be entitled to receive. These include clinical rehabilitation for physical, cognitive, sensory, and psycho-social recovery; vocational rehabilitation to assist in preserving, obtaining, or regaining employment through vocational counselling and re-skilling; social rehabilitation aimed at restoring independence and social integration; and the provision of assistive devices and assistive technology as part of an agreed return-to-work plan. The costs of clinical rehabilitation, social rehabilitation, and assistive devices for employees with permanent or temporary total disablement are borne by the Compensation Fund. However, for employees who have already returned to work, the costs of the vocational rehabilitation will be borne by the employer. The provision of rehabilitation benefits and the resumption of work by an affected employee does not mean that they are disqualified from receiving the prescribed compensation benefits otherwise payable under COIDA. Employees undergoing rehabilitation shall not mean a forfeiture of any compensation benefits potentially due to them.

Fiona Leppan and Kgodisho Phashe

COIDA Amendments now in force: A new era for workplace injury compensation in South Africa

On 23 January 2026, the President of South Africa published Proclamation Notice 306 of 2026, bringing into operation several key provisions of the Compensation for Occupational Injuries and Diseases Amendment Act 10 of 2022 (the "Amendment Act"). The Amendment Act introduces significant changes to the Compensation for Occupational Injuries and Diseases Act 130 of 1993 (COIDA), including enhanced employee protections, new enforcement mechanisms, and a statutory rehabilitation framework. The amendments are being implemented in phases: 23 January 2026, 1 February 2026, and 1 April 2026.

The Amendment Act, published on 17 April 2023, was assented to by the President on 6 April 2023 but required a Presidential proclamation to bring its provisions into operation. That proclamation has now been published, which has prompted a phased implementation of the amendments. Employers must take careful note of the specific effective dates and the corresponding compliance obligations that arise on each date.

The Amendment Act introduces several notable changes. Perhaps most significantly, post-traumatic stress disorder (PTSD) which is formally recognised as an occupational disease under COIDA. This reinforces the position adopted in recent case law that employees who develop PTSD as a result of workplace incidents are entitled to compensation. This is a development that reflects growing awareness of mental health issues encountered in occupational settings. Additionally, injuries sustained during work-related training conducted in furtherance of the employer's business now fall within COIDA's protective scope.



COIDA's scope of application has also been extended to cover accidents which occur when transport provided by the employer to enable employees to commute to or from the workplace (conveyance is deemed to commence when an employee reaches the designated pick-up point and continues until the employer's designated drop-off point) which is a practical extension that addresses the realities of modern day commuting arrangements.

A change that will affect the management of claims is the prescription period for compensation claims that has been extended from 12 months to three years from the date of the accident. Employers should review their record-keeping practices accordingly.

A new Chapter VIIA inserted in COIDA establishes a statutory rehabilitation and reintegration framework. This places positive obligations on the Compensation Fund, employers, and licensees to provide facilities, services, and benefits aimed at rehabilitating employees who have suffered occupational injuries or diseases. The goal is clear, namely to return injured employees to productive work where this is possible. It is important to note that while the statutory framework for rehabilitation

(section 70A) is now in operation, the Minister of Employment and Labour has published several sets of regulations under COIDA in Government Gazette No. 54273, governing the implementation of the return-to-work and rehabilitation programmes.

Conclusion

These amendments represent the most significant modernisation of South Africa's occupational injury and disease compensation framework. The phased implementation provides a window of opportunity for the necessary preparatory steps to be taken, but with certain key provisions already in force, the time for action is now. Employers should review their current policies, update their record-keeping systems, and prepare and implement their rehabilitation framework.

Fiona Leppan and Kgodisho Phashe

OUR TEAM

For more information about our Employment Law practice and services in South Africa, Kenya and Namibia, please contact:



Aadil Patel

Practice Head & Director:
Employment Law
Sector Head:
Government & State-Owned Entities
T +27 (0)11 562 1107
E aadil.patel@cdhlegal.com



Anli Bezuidenhout

Director:
Employment Law
T +27 (0)21 481 6351
E anli.bezuidenhout@cdhlegal.com



Frieda Kishi

Director | Namibia
T +264 83 373 0100
E frieda.kishi@cdhlegal.com



Fiona Leppan

Director:
Employment Law
T +27 (0)11 562 1152
E fiona.leppan@cdhlegal.com



Imraan Mahomed

Director:
Employment Law
T +27 (0)11 562 1459
E imraan.mahomed@cdhlegal.com



Nadeem Mahomed

Director:
Employment Law
T +27 (0)11 562 1936
E nadeem.mahomed@cdhlegal.com



Yvonne Mkefa

Director:
Employment Law
T +27 (0)21 481 6315
E yvonne.mkefa@cdhlegal.com



Phetheni Nkuna

Director:
Employment Law
T +27 (0)11 562 1478
E phetheni.nkuna@cdhlegal.com



Desmond Odhiambo

Partner | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E desmond.odhiambo@cdhlegal.com



Jean Ewang

Counsel:
Employment Law
T +27 (0)11 562 1499
E jean.ewang@cdhlegal.com



Thabang Rapuleng

Counsel:
Employment Law
T +27 (0)11 562 1759
E thabang.rapuleng@cdhlegal.com



JJ van der Walt

Counsel:
Employment Law
T +27 (0)11 562 1289
E jj.vanderwalt@cdhlegal.com



Ebrahim Patelia

Legal Consultant:
Employment Law
T +27 (0)11 562 1000
E ebrahim.patel@cdhlegal.com



Daniel Kiragu

Senior Associate | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E daniel.kiragu@cdhlegal.com



Lee Masuku

Senior Associate:
Employment Law
T +27 (0)11 562 1213
E lee.masuku@cdhlegal.com



Leila Moosa

Senior Associate:
Employment Law
T +27 (0)21 481 6318
E leila.moosa@cdhlegal.com



Christine Mugenyu

Senior Associate | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E christine.mugenyu@cdhlegal.com



Kgodisho Phashe

Senior Associate:
Employment Law
T +27 (0)11 562 1086
E kgodisho.phashe@cdhlegal.com



Taryn York

Senior Associate:
Employment Law
T +27 (0)11 562 1732
E taryn.york@cdhlegal.com



Chantell De Gouveia

Associate:
Employment Law
T +27 (0)11 562 1343
E chantell.degouveia@cdhlegal.com

OUR TEAM

For more information about our Employment Law practice and services in South Africa, Kenya and Namibia, please contact:



Ra'ees Ebrahim

Associate:
Employment Law
T +27 (0)11 562 1735
E raees.ebrahim@cdhlegal.com



Ayesha Karjieker

Associate:
Employment Law
T +27 (0)11 562 1568
E ayesha.karjieker@cdhlegal.com



Kevin Kipchirchir

Associate | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E kevin.kipchirchir@cdhlegal.com



Biron Madisa

Associate:
Employment Law
T +27 (0)11 562 1031
E biron.madisa@cdhlegal.com



Thato Makoaba

Associate:
Employment Law
T +27 (0)11 562 1659
E thato.makoaba@cdhlegal.com



Thato Maruapula

Associate:
Employment Law
T +27 (0)11 562 1774
E thato.maruapula@cdhlegal.com



Sheilla Mokaya

Associate | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E sheilla.mokaya@cdhlegal.com



Sashin Naidoo

Associate:
Employment Law
T +27 (0)11 562 1482
E sashin.naidoo@cdhlegal.com



Billy Oloo

Associate | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E billy.oloo@cdhlegal.com



Melisa Wekesa

Associate | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E melisa.wekesa@cdhlegal.com

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JOHANNESBURG

1 Protea Place, Sandton, Johannesburg, 2196. Private Bag X40, Benmore, 2010, South Africa.
Dx 154 Randburg and Dx 42 Johannesburg.
T +27 (0)11 562 1000 F +27 (0)11 562 1111 E jhb@cdhlegal.com

CAPE TOWN

11 Buitengracht Street, Cape Town, 8001. PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town.
T +27 (0)21 481 6300 F +27 (0)21 481 6388 E ctn@cdhlegal.com

NAIROBI

Merchant Square, 3rd floor, Block D, Riverside Drive, Nairobi, Kenya. P.O. Box 22602-00505, Nairobi, Kenya.
T +254 731 086 649 | +254 204 409 918 | +254 710 560 114
E cdhkenya@cdhlegal.com

ONGWEDIVA

Shop No A7, Oshana Regional Mall, Ongwediva, Namibia.
T +264 (0) 81 287 8330 E cdhnamibia@cdhlegal.com

STELLENBOSCH

14 Louw Street, Stellenbosch Central, Stellenbosch, 7600.
T +27 (0)21 481 6400 E cdhstellenbosch@cdhlegal.com

WINDHOEK

1st Floor Maerua Office Tower, Cnr Robert Mugabe Avenue and Jan Jonker Street, Windhoek 10005, Namibia.
PO Box 97115, Maerua Mall, Windhoek, Namibia, 10020
T +264 833 730 100 E cdhnamibia@cdhlegal.com

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