

## How to register a business with the commissioner of Compensation for Occupational Injuries and Diseases

### Registration guidelines: Compensation for Occupational Injuries and Diseases Act 130 of 1993 (COIDA) Form WA.s 2

All employers who employ one or more workers in connection with their business or farming activities, are **required** to register with the Compensation Fund.

Employers are required to file a separate registration for each separate branch of a business, although employers may make an arrangement for combined registration of these entities.

The following WAS 2 registration guidelines have been provided by the Department of Labour:

- All **applicable** items must be completed on both pages of the WA.s 2. This document **MUST** be signed and dated.
- A copy of the CK1/2 OR CM1 + CM29 i.r.o. Close Corporations and Companies, Trust documents or N.P.O certificates **MUST** be attached.
- A copy of ID-document(s) **MUST** be attached in respect of sole proprietors/owners/partners.

Without the above-mentioned documents attached, the registration cannot be processed.

#### FRONT PAGE:

**Mark with "X" in the relevant space to indicate whether the employer is a sole proprietor (farmers included), close corporation, company, partnership, public -/local authority, organisation/association or a trust, etc.**

#### PART 1 - PARTICULARS OF BUSINESS / FARMING / ORGANISATION / TRUST

- 1.1 Give the date on which the first employee was employed. It is compulsory for an employer to register within 7 days of the date the first employee was employed. Employers cannot register with this Office if no employees are employed yet.
- 1.2 Give the physical address/street address/ name(s) of the farms, postal code and district.
- 1.3 Give the physical address/street address/name(s) of farms, postal code and district

#### Give contact details



**PART 2 - PARTICULARS OF OWNER / PARTNERS / TRUSTEES / OF A CLOSE CORPORATION / COMPANY / TRUST**

- 2.1 Give the name(s) of owner(s), partner(s), and trustees. Attach a list if necessary.
  - 2.1.1 Give ID-number(s) of owner(s), partner(s), trustee(s).

**N.B. Copies of ID's MUST be attached.**

- 2.2 Give the name of company or close corporation with DTI as well as the company or close corporation number

**N.B. A copy of the CK1/2, CM1 + CM29, trust or NPO-certificate MUST be attached.**

**PART 3 - PARTICULARS OF THE NATURE OR TYPE OF BUSINESS-/FARMING OPERATIONS, ACTIVITIES OR ORGANISATION**

- 3.1 Give a detailed description of nature of the business activities or farming operations OR the goods manufactured or sold OR services rendered.

A detailed description is of utmost importance to enable this Office to determine the rate.

**N.B. the description "General operations in all aspects" or "General trade in all aspects" is not accepted. Refer to the Classification of Industries, W.As. 150T, which can be obtained from this Office or on the website as a guideline.**

A detailed description could be:

**"Building construction" or "Civil engineering construction" and not only "Construction"**

**"Clothing dealer" and not only "Dealer" or "Retailers"**

Therefore, the description as indicated on the CK1/2 or CM1 + CM29 e.g. "Trading in all aspects" is not acceptable. This Office needs to know the **type of goods that is sold** or manufactured or the type of construction that is done.

**In case of labour hire / broker, indicate the type of industry to which the employees will be hired out, the number of employees in each industry and what their duties would be.**

- 3.2 Describe the following IF applicable

- 3.2.1 Materials used in the manufacturing of goods: e.g. leather, steel, wood etc.



3.2.2 Nature, extent and type of construction / erection undertaken:

e.g. "**Building construction**" or "**Road Construction**" and not only "Construction"

3.3 In case of **farming** indicate the nature. Mark with "X" next to the type of farming and in case of mixed farming indicates the %.

3.4 Do you use any tractors and/or power driven saws: Mark with "X" where applicable?

## **PART 4 - PARTICULARS OF RESPONSIBLE PERSON / DIRECTOR / MEMBER OR PARTNER OF BUSINESS**

4.1 **This part must be completed.**

**Attach a list with the names, ID-numbers and addresses if necessary.**

4.2 Give the registration numbers with the Compensation Fund or Unemployment Insurance Fund in the relevant space if already registered.

4.3 Complete if applicable

## **PART 5**

5.1 This part should only be completed if the employee(s) has/have been employed during the **current assessment year**, (1 March the current year to 28 February next year) or any in between period within that assessment year.

If the first employee was employed prior to this period, this part should not be completed. This Office will mail the Return of Earnings document(s) (WA.s 8) for the relevant years to the employer to be completed and returned to this Office.

5.1.1 Write the average number of employees expected to be employed per month during the current assessment year. In other words March this year to February next year or any in between period.

5.2 If the employees estimated earnings might be **less than this maximum amount per person per year, the amount estimated** must be declared. Those employees who might earn in excess of this maximum amount per year, earnings **up to that maximum amount must be declared per person per year as estimated earnings**. A **Provisional assessment** will be raised on this estimated amount. The reason for the maximum earnings is that compensation for injuries on duty is calculated and paid up to that maximum amount.

5.2.1 Estimate the earnings **expected** to be paid to all the employees **expected** to be employed during this current assessment year (March this year to February next year or any in between period).

5.2.2 Estimate the cash value of food and lodging for the same period if applicable

5.2.3 Estimate the cash value of other in-kind benefits if applicable



5.2.4 Estimate the earnings of **working directors of a Co. or working members of a CC** up to the same maximum earnings indicated in item 5.2 on the Registration form.

5.3 Add up the estimated totals from item 5.2.1 to 5.2.4 and write it in the available space. Indicate for what period the estimation was done by writing the dates in the available space.

**PART 6**

6.1 Complete item if applicable.

6.2 Complete bank details for the purpose of electronic deposits to your bank account if applicable

**DECLARATION BY EMPLOYER OR AUTHORISED PERSON**

**This part MUST be completed, signed and dated.**

**WHO IS AN EMPLOYER?**

All persons who employ one or more employees, in connection with their business/farming activities, organisation/ association/trust are "employers" in terms of the Act.

**WHO IS AN EMPLOYEE?**

Any person, irrespective of age, who is employed by an employer for the purpose of his business / farming activities. This also includes temporary and casual workers when employed for the purpose of the business / farming.

**"EMPLOYEE"** is defined by this Act as a person who has entered into, or works under a contract of service or apprenticeship or learner ship with an employer, whether the contract is expressed or implied, oral or in writing, and whether remuneration is calculated by time or work done, or is in cash or in kind and includes –

- **Casual / temporary employees** employed for the purpose of the employers' business/farming/organisation's activities.
- **Working director of a Company or member of a Close Corporation/Body Corporate**, who has entered into a contract of service, or of apprenticeship or learner ship, in so far that the employee acts within the scope of his/her employment in terms of such contract. (Excluding shareholders or "silent partners" who are only paid dividends or sharing profits).

**NB. A sole owner or partners in a business / farming operation are not regarded as "employees" as contemplated by the Act and their earnings should, therefore, not be included.**



- A person provided by a labour broker against payment to a client for the rendering of a service or the performance of work and for which service or work such person is paid by the labour broker, is an employee of the labour broker. The earnings of such persons should be included in the client's Return of Earnings, W.As. 8, document.

**"EARNINGS"** are *all* payments made regularly, before any deductions, whether in money or in kind, to employees.

**The following list is not exhaustive but is intended only to highlight remuneration items for which there might be some doubt as to their inclusion or exclusion.**

Included in the gross earnings before any deductions are the following:

- Overtime of a regular nature, (not intermittent or irregular overtime).
- Bonuses of any kind, including incentive bonuses and annual bonuses.
- Commission, even though the amount may vary from month to month.
- The cash value of food and quarters supplied to employees as part of a remuneration package.
- Cash value of fringe benefits such as a company car, free accommodation or accommodation at a reduced rate, etc.
- Travel and other allowances paid regularly, **as part of the package**.
- Where the employee is remunerated in accordance with a package of benefits, all items forming part of the package, other than employer contributions such as medical aid contributions.
- **Earnings / Drawings** paid to **working** Directors of a Company or Members of a Close Corporation.

**EXCLUDED ARE THE FOLLOWING:**

- Payments of a reimbursive nature;
- Overtime worked occasionally;
- Payments for specific non-recurring tasks which do not form part of an employee's normal duties;
- *Ex gratia* payments;
- Intangible fringe benefits such as the taxable portion of medical aid/pension contributions by the employer, etc.;
- Payments to cover special expenses such as subsistence and travelling costs, lunch and costs for business meetings;
- Travel and other allowances paid **occasionally**; and
- Profit sharing of Directors and Members.

**LETTER FOR TENDER PURPOSES**

- Employers may apply for a **letter for "tender purposes"** before employee has been employed and before registration. Fax number 012: 323 5023 or 012: 357 1823.
- Employers may apply for **"Proof of registration"** for **"tender purposes"** as soon as a registration number has been allocated. Fax number 012: 323 5023 or 012: 357 1823.



- A post card is automatically posted to all registered employers which is proof of registration with this Office.

**LETTER OF GOOD STANDING** can be obtained once the employer has complied with the requirements of the Act, *inter alia*:

- Submitting the latest return of earnings;
- Assessment has been paid or instalments have been arranged. **If arrangements made for instalments, attach copy of receipt (Proof of Payment);**
- **To arrange for instalments: Fax 012: 357 1783 Tel 012: 3199 347;**
- Application should be made in good time, **5 working days before it is required**, preferably on a letterhead, in writing;
- Please quote the registration number, as well as telephone and fax numbers with dialling code;
- Applications on behalf of the employer by Consultants or Agents should be in writing and accompanied by a Power of Attorney;
- Any tampering with the contents of these Letters is a serious offence.

**APPLICATION FOR LETTER OF GOOD STANDING CAN BE FAXED 5 WORKING DAYS IN ADVANCE TO FAX NO: 012: 323 0262 or 012: 323 5433.**

## WEBSITE ADDRESS

The Compensation for Occupational Injuries and Diseases Act, 1993 and Amendments are available on the website at <http://www.labour.gov.za>

[COIDA Registration Form](#)

