Section 20 Medical Appeals

in terms of of the
Mine Health and Safety Act, 1996 as amended

What is the role of the Medical Inspector of Mines?

The Medical Inspector of the Department of Mineral Resources and Energy investigates the merits of Section 20 Medical Appeals.

The investigations involves:

- An inspection of the employee's workplace.
- Interviewing employees, employers and their representatives.
- Checking other legislation that might be relevant to the appeal.
- Researching the medical conditions being disputed.
- Consulting specialists for expert opinions.

The Medical Inspector, on behalf of the State, may select or choose any relevant health practitioner, if necessary, for second opinion assessment. The selected health practitioner should assess the employee and submit a report to the Medical Inspector.

The Medical Inspector is legally appointed in terms of Section 49(1)(a)(b) of the Mine Health and Safety Act 29 of 1996 as amended, to confirm, set aside or vary the decision or finding of the occupational medical practitioner

The final ruling is based on all the facts considered and not only on a singular report, interview or visit. The final decision on fitness will be done by the Medical Inspector and not any independent health practitioner chosen by the employee of the State.

The Medical Inspector of Mines only uses the findings contained in an exit certificate in the investigation and not the exit certificate itself

Who can lodge a Section 20 Medical Appeal?

Any employee at a South African mine can lodge a Section 20 Medical Appeal with the Medical Inspector of Mines at the Department of Mineral Resources and Energy

Lodging a Section 20 Medical Appeal can be based on:

1) A decision that such an employee is unfit to perform any category of work at a mine.

OR

2) Any finding of an Occupational Medical Practitioner contained in the exit certificate of such an employee.

Exit Medical Certificates

It is a certificate that is produced after an exit medical examination containing the results of all medical surveillance of the mine worker as well as the absence or presence of any occupational disease

The complainant cannot lodge an appeal using the exit certificate to dispute unfitness to perform work since the exit certificate itself does not address issues of fitness.

mineral resources & energy
Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

How to lodge a Section 20 Medical Appeal?

THE MEDICAL INSPECTOR OF MINES
Private Bag X59
ARCADIA
0007

The employee must complete the required appeal form (DMRE 142) and submit it to the Medical Inspector of Mines.

An appeal must be lodged before or within 30 days of the decision or the finding of unfitness to perform work at a mine or within 90 days of the termination of employment.

Forms are available from your nearest DMRE office or can be obtained from the DMRE website: www.dmre.gov.za

What should be included in a medical appeal?

- It should clearly state the grounds or the reasons for the appeal in other words why an employee is appealing.
- The address and contact details of the employee.
- The address and contact details of the union representative.
- The address and contact details of the Occupational Medical Practitioner.
- The occupation of employee.
- The duration of the employment of the employee.
- The job specification/description of the employee as obtained from the human resources division of the mine.
- A copy of the Certificate of Fitness if disputing unfitness to perform work.
- A copy of the exit certificate if disputing an item contained in the exit form.

Compensation matters and incapacity processes

*Neither compensation matter **nor** incapacity processes forms part of the Section 20 medical appeal process*

- Incapacity processes to determine the possibility of alternative work should be addressed by the human resource sections of the respective employers.
- Compensation matters and/or the payment of mine benefits should be addressed by the Compensation Fund of the Department of Employment and Labour. For compensation matters, please contact the **Compensation Fund** from Monday to Friday during office hours (07:30 to 16:00)

Toll free number:	**Email:**		
086 010 5350	CF-Complaints@labour.gov.za cfcallcentre@labour.gov.za cfenquirie@labour.gov.za	Compensation House Delta Heights Building 167 Thabo Sehume Street Pretoria 0002	Compensation Commissioner P.O. Box 955 Pretoria 0001

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Mine Health and Safety Inspectorate

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