

# Employment Law

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SOUTH AFRICA

Mental illness as a compensatable disease under COIDA: Key lessons from *Urquhart v Compensation Commissioner*



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**EMPLOYMENT LAW  
ALERT**

## Mental illness as a compensatable disease under COIDA: Key lessons from *Urquhart v Compensation Commissioner*

In *Urquhart v Compensation Commissioner* [2006] 27 ILJ 96 (E), the High Court addressed whether post-traumatic stress disorder (PTSD) qualifies as a compensatable illness under section 91 the Compensation for Occupational Injuries and Diseases Act 130 of 1993 (COIDA). This case provided critical insights into how mental health conditions are evaluated under this legislation.

### Background

Urquhart, a photographer for a daily newspaper, faced regular exposure to traumatic and disturbing events due to the nature of his work. After years of exposure he developed PTSD and eventually suffered a breakdown in 1995. Following psychiatric intervention, it was determined he could no longer continue in his role.

His employer lodged a compensation claim under COIDA, which the Compensation Commissioner rejected. An internal appeal panel upheld the rejection, reasoning that Urquhart's PTSD did not meet COIDA's definition of an "accident". This decision was taken to appeal to the High Court.

### Key issues considered by the High Court

The High Court critiqued the internal appeal panel's approach, identifying several missteps:

#### 1. Inappropriate use of evidence

The panel relied on the *Diagnostic and Statistical Manual of Mental Disorders IV* to define PTSD but did so without formally submitting the manual as evidence or consulting medical experts. This was found to constitute a misdirection due to the impact it had on the later finding of the panel that PTSD did not qualify as an occupational disease under COIDA given the interpretation that they arrived at.

#### 2. Causal link and definition of "accident"

The panel rigidly interpreted "accident" as requiring a single, specific event to establish causation. The court disagreed, finding that Urquhart's PTSD could be traced back to work-related traumatic events from prior years. Importantly, it clarified that the time lapse between the event and the condition manifesting did not negate the causal link.

#### 3. Multiple events contributing to PTSD

The court acknowledged that PTSD might arise from multiple incidents rather than a singular event. Drawing on the precedent set in *Nicosia v Workmen's Compensation Commissioner* [1954] (3) SA 987 (T), the court held that COIDA's definition of "accident" could encompass cumulative work-related trauma.

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### Court's decisions

The High Court found that the internal appeal panel failed to promote the purpose of COIDA, which is to provide compensation for workplace-related injuries and diseases. It emphasised the need for a flexible approach when interpreting mental health issues under COIDA.

The decision in *Urquhart* expanded COIDA's scope to include cumulative trauma arising from the course and scope of employment of an occupational injury. By recognising that PTSD can result from repeated workplace stressors, it paves the way for mental illnesses, such as depression and anxiety, to qualify as a compensatable disease when linked to the employee's course and scope employment. Chronic stress, bullying, or prolonged

exposure to trauma may now meet the causal link requirement under COIDA. This shift reflects a more inclusive approach to mental health under COIDA, aligning it with modern workplace challenges. The recent amendments to COIDA, set to come into effect shortly, will explicitly recognise PTSD as a compensatable illness, making future claims of this nature more straightforward.

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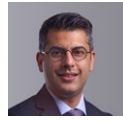
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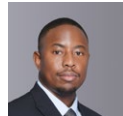
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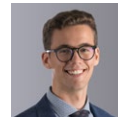
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**BBBEE STATUS:** LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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