

Legally Yours



By Ahmad J. Tahboub

Work Injuries outside the Scope of Social Security

Employers in Jordan are required by law to ensure safe work environment for their employees. Nonetheless, accidents happen. The legal requirement of protecting employees is seldom respected, and many employers fail to provide employees with the necessary protective tools like shades, gloves, work shoes ... etc.

Erroneous presumptions may lead some to think that work injuries are restricted to field workers or handy men alone. Historical background of litigation shows development on the percentage of white collar plaintiffs related to work injuries. Employees are exposed to risks, whether they are field workers or office occupiers!!! For employees working under the umbrella of Social Security Department (SSD), it is an issue of following procedures. On the other hand, those who are not as blessed with SSD membership, the terminology of work injury is as frightening as the injury itself.

A simple fall from a ladder may cause severe injury to an employee's knee. The labor community transcended from vulnerability and social embarrassment, to the phase where employees file cases for hurt wrists and troubled neck bones (or at least threaten to do so). A step forward on the side of legal awareness and labor education. All the same, we still need to abide by certain procedures to ensure that a work injury falls under the legal category of compensable claims. According to Jordanian Labor law (JLL), a work injury is considered as such if it relates to an employee's job requirement, and this includes going forth and back from a work location.

Putting SSD aside, what to do when a work related injury occurs?

- Employer should transport the injured employee to the nearest hospital or infirmary and inform the police.
- Employer should notify the Ministry of Labor with the

accident within 48 hours from time of accident or illness discovery.

Compensation:

The Jordanian labor law (JLL) and its regulations are consistent with the International Labor Organization (ILO) principles. For starters, employer is required to pay for all medical cost. As for compensation, work injuries are compensated for according to an incident's gravity. A dedicated medical board gets to decide injury compensation, as calculated by multiplying employee daily pay. The few days pay multiplication mounts up to one thousand two hundred days' pay (1200). What should amount to a large sum of money, is confined by the JLL to a ceiling of five thousand Dinars per death incident!!! A dead employee is never compensated, and to think that a few thousands may compensate his or her family is preposterous!!!

The problem does not exist for SSD registered members, but with entities in the private sector with less than five employees. The same risk lies with large labor communities, including QIZ factories, who are subject to SSD registration. Although these entities embrace huge numbers of employees, we still hear about violations of delayed registration. Waiting for an employee to pass the three month trial period is a violation on its own. What may be looked at as a transitional saving in SSD monthly contributions may be financially reversed by one or two work injuries. Apart from the legal and financial consequences of covering the cost of a work injury, the business entity would definitely enter into an awkward relationship with the ministry of Labor and SSD officers!!!

The focus on SSD membership is justifiable, considering that some injured employees suffer from non-recognition of a work injury by their employers. Legally speaking, employers should bear all cost of medication, along with compensating the employee for the damage. In the case of conflict, the Ministry of Labor and the Court of jurisdiction should resolve any employee-employer conflict. As in all labor claims, filing a case is exempted from judicial/litigation fees. Nevertheless, true life exercises show that the weaker a worker is, financially, the more likely he is to avoid litigation.

Non governmental studies, researched SSD coverage in Jordan. Apparently, a good 30% or more of employees legally required to be under the SSD umbrella are not really registered. As a result of this non-registration status, one would assume that work injuries in such entities are not adequately covered. Our efforts should then concentrate on documenting injuries and seeking compensation in the lawful amount. Advanced in comparison, yet Jordan still lacks active supervision and follow up when it comes to work injuries. I believe we should enact severe institutional

penalties for those businesses violating SSD membership rules, who for the sake of saving deprive an employee from just compensation. *En finale*, the current labor law demands amendment especially in the area of work injuries. If the Jordanian legal system ensures fair compensation for any damage, why should we price the head of an employee with FIVE THOUSAND DINARS ??

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