Namibia Injury on Duty Scheme via

EMployees’ Compensation Act
(Act 30 of 1941)
(ECA)

Harare, Zimbabwe
October, 2014
OBJECTIVES of ECF

- Provides for payment of compensation and reasonable medical expenses in respect of injuries on duty or industrial diseases.
- Arising out of and in the course of an employee’s employment and resulting in personal injuries.
EC MEMBERSHIP

- Compulsory for all employers conducting business in Namibia, including State & domestic employers;
  - Employing persons earning up to N$81,300 per annum.
  - For cover against injuries on duty and/or occupational diseases.
  - Voluntary cover for those earning above N$81 300, given by prior arrangement.
- Employers pay annual assessments to the Fund.
- Ceiling of assessment is set at N$66 000, p.a.
WHO IS AN EMPLOYEE?

- Any person who has entered into a contract of service with an employer (formal or informal).
- The following persons are excluded from the scope of the Act:
  - Persons earning more than N$81 300.00 per annum.
  - A person who contracts for the carrying out of work, and himself engages other persons to perform the work (Sub-contracting).
  - Any employer may enter into a special arrangement with the Commission to (also) include all employees earning above N$81 300 per annum to be covered under the Fund.
- Government, is an “Employer Individually Liable” and includes all its employees irrespective of their earnings. (GRN Budget for own accidents)
EC BENEFITS

- Payment of Medical expenses for injured employee
- Transport expenses to hospital or clinic
- Compensation for temporary or permanent disability
- Compensation for occupational diseases and or injuries
- Pension to dependents of fatal IO accidents
- Burial expenses at a prescribed tariffs.
- Merit rebates to employers as incentive
MEDICAL EXPENSES

- All reasonable medical expenses incurred by or on behalf of an injured employee may be paid from the Accident Fund.
- These includes expenses like; doctors’ consultations fees, hospital fees, medical treatment costs, physiotherapy, rehabilitation, etc.
- Medical tariffs are gazetted by the Commission after consultation with the relevant healthcare professionals councils.
- Current rates same as NAMAF 2014 as from 1 September 2014.
- Medical examination to conduct a diagnosis of IOD or occupational disease.
TEMPORARY TOTAL DISABILMENT (TTD)

- NOT applicable to Government employees (Government pays employees full salaries when booked off due to IOD)
- Compensation payable to an employee during TTD by way of payments at a rate of 75% of his/her monthly earnings up to N$5 500 of such earnings. (Max. N$4,125)
- No compensation is payable in respect of the first three days of TTD lasting less than 14 days
- Sundays or public holidays, falling at the beginning or end of the period of absence, are included.
- Maximum of 18 months for periodical payments.
PERMANENT DISABLEMENT (PD)

- Compensation for permanent disablement assessed at 30% or less, is paid in a **lump sum**.

- If the degree of permanent disability is more than 30%, compensation takes the form of a **monthly pension**.
TRANSPORTATION FEES

- Reasonable expenses incurred for the conveyance of an injured employee for treatment or to his/her residence will be refunded from the Accident Fund.

Type of fees payable are:
- Ambulance accounts (Emergency medical treatment)
- Air transport (with prior approval of SSC)
- Private transport by employer @ N$2.50/km
- Actual costs for bus, taxi, train, etc.
SURVIVORS’ COMPENSATION

- A spouse’s lump sum of N$ 4 500 or two months earnings of the employee, whichever is the lesser, and
- A spouse’s pension equivalent to 40% of the pension to which the employee would have been entitled if 100% permanently disabled.
- A child’s pension equal to 20% of the pension which would have been payable to the employee for 100% permanent disablement to each child under 18 years of age (maximum 3 children).
- For more than three children - the pension will be reduced by dividing the 60% payable between the total number of children.
FAMILY PARTIAL DEPENDENCY

- For a deceased employee without a spouse or dependent child:
  
  - A once-off lump sum up to N$4 000 (maximum) is payable.

  - Paid to the head of the household to which the employee contributed a proportion of their income.
FUNERAL/BURIAL EXPENSES

• An allowance not exceeding N$3 450.00 may be paid towards the necessary burial expenses.
  - Cover for items such as: coffin, hearse, grave site, limited travel, etc.
    (Not to be used for cultural rituals and entertainment costs).
• Such reasonable burial expenses will be paid upon submission of proof of payment of such expenses.
...HOW DOES ECF CLAIMS WORK?

- All work related accidents whereby medical expenses are involved must be reported by the employer to the Commission, *immediately after having gained knowledge thereof.*
- Employer complete Accident report, E.Cl. 2.
- The first doctor to treat the injured employee after the accident must submit the *First Medical Report (E. Cl. 4)* to the employer immediately after the first consultation.
- SSC adjudicates on all claims submitted.
WHAT ARE THE GAPS?...1

- To avoid fraudulent claims, employers and doctors must submit original documents to SSC.
- Scanning of documents now pose new challenges to this requirement.
- Doctors and Hospitals refuse medical treatment to the injured for various reasons.
- Coverage to informal sector is limited due to lack of awareness and/or enforcement.
- Lack of effective dispute or appeal mechanisms. Cost and time of settling appeals and disputes prohibitive to many.
- Emerging occupational diseases and conditions.
WHAT ARE THE GAPS? ..2

• Occupational health and safety links are weak, and there is no collaborations between SSC and OHS in MLSW.

• Focus is on curative care and less on prevention. Lack of active case management by SSC for injuries and diseases is evident.

• Lack of rehabilitation facilities for IOD cases.

• RTW programs under developed or non existence.

• Weak linkages of incentives provided under the merit rebates system.

• Review of the current legal framework is a necessity.
THANK YOU