A Guide For Employers

WORK INJURY COMPENSATION



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FOREWORD

This guide provides a brief overview of the new Work Injury Compensation Act 2019 (WICA 2019) and the claims process for work accidents on or after 1 September 2020*. It also outlines the key amendments under WICA 2019 (highlighted as <u>NEW!</u>).

The information contained in this guide is provided for information only, and does not constitute legal advice. In cases of doubt, reference should be made to the WICA 2019.

The Work Injury Compensation Act remains applicable for work accidents that happened before 1 September 2020. More information is available at http://www.mom.gov.sg/ workplace-safety-and-health/work-injury-compensation/resources-and-tools

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OVERVIEW OF WORK INJURY COMPENSATION ACT 2019

WHAT IS THE WORK INJURY COMPENSATION ACT 2019 (WICA 2019)

Under WICA 2019, an employee can claim compensation from his employer if he suffers from an injury (which includes medical condition) or occupational disease due to his work.

As an employer, you are liable to compensate your injured employee, regardless of who was at fault, even if your employee no longer works for you after the work related accident.

NEW! WICA claims will be automatically processed by designated insurers* where applicable.

*MOM will take over claims processing for cases without designated insurers.

WICA 2019 AT A GLANCE



WHO IS COVERED UNDER WICA 2019



• All employees who are engaged under a "contract of service" or "contract of apprenticeship" with an employer, regardless of salary level.



🔀 Not Covered

- Uniformed personnel members of the Singapore Armed Forces, Singapore Police Force, Singapore Civil Defence Force, Central Narcotics Bureau and Singapore Prison Service.
- Self-employed person or independent contractor
- Domestic worker

"Contract of service" is any agreement, written or oral, where one person agrees to employ another as an employee.



WORK INJURY COMPENSATION (WIC) INSURANCE

WORK INJURY COMPENSATION (WIC) INSURANCE

NEW! As an employer, you are required by law to purchase an approved work injury compensation (WIC) insurance policy from a designated insurer approved by MOM. Mandatory WIC insurance is applicable for all manual workers, and non-manual workers earning at or below the stipulated salary threshold.

While you may buy one or a few insurance policies to cover all your employees, you are advised to insure all employees of specific job category with only one designated insurer.

You remain liable to compensate these employees of their work-related injuries. You are also encouraged to purchase WIC insurance policies for other groups of employees. You should also ensure adequate WIC insurance to reduce financial impact from compensation payouts.

WHO HAS TO BUY WIC INSURANCE

NEW! With effect from 1 April 2020, the salary threshold for non-manual employees requiring Work Injury Compensation (WIC) insurance will be increased in 2 phases.

Coverage	Salary threshold on and after <u>1 April 2020</u>	Salary threshold on and after <u>1 April 2021</u>
Non-manual employees	\$2,100	\$2,600

WHO NEEDS TO GET WIC INSURANCE

An employer is required to maintain adequate WIC insurance for:



Manual work employees This is regardless of

their salary level.



Non-manual work employees Who are earning at

or below the salary threshold.

For other employees doing **non-manual work with monthly earnings above the salary threshold**, employers have the flexibility to decide whether to buy insurance for them. In the event of a valid claim, the employer will be required to pay the compensation if he does not have insurance coverage for this group of employees.

NEW! PROVIDING WIC INSURANCE DETAILS TO DESIGNATED INSURERS

Employers are to provide accurate^{*} information and other supporting documents to the designated insurers during purchase and renewal of WIC insurance policies:

- Annual payroll of their company
- Total workforce size
- Any other information that the designated insurer requires to underwrite their polices



*Failure to provide accurate information may result in designated insurers seeking compensation from the employers for what they had paid out.

Your employees must be covered under an	
approved WIC insurance policy	
Employers should only purchase approved WIC insurance policies from designated insurers approved by MOM.	NEW! The Notice of Computation (NOC) is an official document issued by designated
Employers are encouraged to insure all employees of specific job category with only one designated insurer.	insurers to the parties of a claim stating the outcome of the work injury compensation
WIC insurance policies should cover all the benefits under WICA 2019.	claim.
Includes medical leave wages (i.e. outpatient, hospitalisation and light duty), medical expenses, and lump sum payments for PI and death.	
2. Check the coverage of employees and validity of the policy	When in doubt, the
Policies should accurately reflect the occupation, salary and the employees who should be covered.	employer should approach his designated insurer to clarify any terms in the insurance policies.
Policies must be renewed before expiry.	
3 Employer's designated insurer is liable to pay when there are multiple insurance policies	
When multiple contractors have separate insurances that cover an injured employee, the employer's designated insurer will be the first to respond in the event of a valid claim.	

INCIDENT REPORTING

INCIDENT REPORTING

As an employer, you are required under the Workplace Safety and Health (WSH) Act and Work Injury Compensation Act 2019 (WICA 2019) to report an incident to MOM.

You should also notify your designated insurer promptly to avoid delay in the claims process.

Develop internal reporting procedures for your employees to inform you of work-related accidents quickly so that you can notify MOM timely. Under the Work Injury Compensation Act 2019 (WICA 2019), the employer **must notify all incidents** to MOM when his employee:

Scenario	Submit incident report online within <u>10 calendar days</u> from:
i. Has died in a work-related accident	• The date when the accident happened
ii. Has contracted an Occupational Disease	• Receiving written diagnosis of the disease
iii. Is injured in a work-related accident or has suffered a medical condition (e.g. stroke/heart attack) due to work	• NEW! The date when the employer first has notice of the accident that requires the employee to be hospitalised or given any instance of medical leave or light duty.
iv. Has contracted a disease due to work-related exposure to biological/ chemical agent	• NEW! The date when the employer first has notice of the accident that requires the employee to be hospitalised or given any instance of medical leave or light duty.

A If the employee subsequently dies from the injury or disease, you must notify MOM as soon as you know of the death at http://www.mom.gov.sg/contact-us with the case reference number and details of the death.



Refer to Annex C (page 32) for examples of reportable incidents.

HOW TO NOTIFY AN INCIDENT

Submit a work-related incident report at http://www.mom.gov.sg/iReport



You will need to provide the following information:



Details of Incident or Occupational Disease



Details of Injured Employee

- Personal particulars
- Employment
- Insurance policy
 number



Supporting Documents (for e.g. salary vouchers, insurance policy schedule,

medical documents)

If you did not submit the report within the mandated timeline:



• Submit the report without further delay



Provide an explanation for your late reporting



THE WORK INJURY COMPENSATION CLAIM PROCESS

Your employee has up to **one year from the date of accident** to claim for medical leave wages and medical expenses.

As an employer, it is important to make sure your employee attends all medical appointments and provides necessary documents to the designated insurer. This will help speed up the claim resolution.

An early return to work is the best possible outcome. Work with your injured employee, the designated insurer and treating doctor to facilitate this outcome.



Compensation is payable when an employee:



 suffered an injury by an accident arising out of and in the course of employment

Accidents

- Mishap or unfortunate event that is unexpected
- Includes internal medical condition that causes unexpected event while employee is working

What is "an accident arising out of and in the course of employment"?



"Out Of Employment"

Accident happened due to some intrinsic risk in the nature of the employee's work.

"In The Course Of Employment"

Accident happened when employee was working or doing some incidental tasks that the employee was reasonably expected to do.

WHEN IS COMPENSATION PAYABLE (CONT'D)

The following scenario illustrates whether compensation is payable:

- An administrative assistant
- went for a toilet break.

- 2. He slipped, fell and injured his ankle in the toilet.
- 3. Although the accident did not happen due to the nature of the employee's work...



4. ...the employee injured himself while doing an incidental task that he was reasonably expected to do during his employment.





The accident is compensable under WICA 2019.

HOW TO DETERMINE WHETHER AN ACCIDENT IS COMPENSABLE UNDER WICA 2019

Here are some common scenarios, which may or may not be compensable under WICA 2019:

Scenario	Compensable under WICA 2019
Employee met with a traffic accident while taking company's transport between home and workplace. The vehicle was not a public transport.	*
Employee met with a traffic accident while travelling in his own car/his friend's car/public transport between home and workplace.	×
Employee met with a traffic accident during work and for work purpose (e.g. travel from workplace to venue for meeting), regardless of the mode of transport.	*
A. Employee did not make any personal detour such as running personal errands while travelling during work and for work purpose, regardless of the mode of transport.	*
B. Employee met with the accident while making a personal detour while travelling during work and for work purpose, regardless of the mode of transport.	×
Employee, who is employed by a local employer during his course of employment, suffered a work-related injury during an overseas assignment.	*
Seafarer suffered a work-related injury while on board a Singapore-registered vessel, regardless of the location of the vessel.	*

HOW TO DETERMINE WHETHER AN ACCIDENT IS COMPENSABLE UNDER WICA 2019 (CONT'D)

Scenario	Compensable under WICA 2019
Employee suffered an injury while under the influence of alcohol or a prescription drug which was not prescribed by a doctor.	×
Deliberate self-injury or self-aggravation of an existing injury.	×
Employee was injured in work-related fight.	×
Employee was injured in work-related fight – but was a victim and did not participate in the fight, or he was injured while exercising private defence, or instructed to break up the fight, safeguard life/property or maintain law and order.	*

Refer to Second Schedule of WICA 2019 for the list of compensable occupational diseases.

WHAT TYPES OF COMPENSATION CAN BE CLAIMED UNDER WICA 2019

MEDICAL LEAVE WAGES

Amount of Outpatient Medical Leave/Light Duties	Amount of Hospitalisation Leave	Medical Leave Wages are Calculated based on
Up to 14 Days	Up to 60 Days	 For MC, full average monthly earnings (AME); OR For light duties¹, it is the shortfall (if any) in the employee's actual wages for that period below the employee's AME.
15 th day onwards, up to 1 year from date of accident	61 st day on- wards, up to 1 year from date of accident	 For MC, 2/3 of AME; OR For light duties¹, it is the shortfall (if any) in the employee's actual wages for that period below 2/3 of the employee's AME.



¹Light duty:

- Worker is fit to return to work, but with limitations to his level of activity at work.
- Shortfall in medical leave wages can be reimbursed for work accidents on or after 1 September 2020.

If in doubt, check with the doctor what kind of light duties the worker can undertake.

Based on employee's Average Monthly Earnings (AME)



- *These may include overtime pay, food allowance, bonus and all other allowance(s) paid for work over last 12 months before the accident.
- AME does not include employer CPF contributions, money paid for any special expenses that relate to your employment (for example, transport allowance/reimbursement).
- Employer must pay by the worker's next pay day.
- No medical leave wages are payable on non-working days (e.g. rest day and public holiday.)

WHAT TYPES OF COMPENSATION CAN BE CLAIMED UNDER WICA 2019 (CONT'D)

MEDICAL EXPENSES

- Payable by employer, up to maximum limits (see table below)
- Must be treated by a Singapore-registered doctor or dentist.

Maximum Compensation Limits	
For accidents that happened before 1 Jan 2020	NEW! For accidents that happened on and after 1 Jan 2020
Up to \$36,000 or one year from date of accident, whichever is reached first	Up to \$45,000 or one year from date of accident, whichever is reached first



EXAMPLES OF ELIGIBLE MEDICAL EXPENSES INCLUDE:

- Medical consultation fees
- Physiotherapy
- Medicines
- Occupational & speech therapy etc
- NEW! *Dental treatments
- *Treatments that facilitate early return to work. Claimable charges include those for case management, functional capacity evaluation and worksite assessment

*refers to accidents that happened on and after 1 Jan 2020.

LUMP SUM COMPENSATION FOR PERMANENT INCAPACITY (PI) AND DEATH

	Permanent Inca Compensation	pacity (PI)	Death Compensation	
Payable when	Injury or illness h effects on emp to work	•	Injury caused death of employee	
Payable to	Injured employee		Dependants of deceased employee	
Formula for computing compensation	Amount payable = [employee's AME] x [age multiplying factor] ¹ x [% permanent incapacity] ²		Amount payable = [employee's AME] x [age multiplying factor] ¹	
			MIN 🦯	🏊 мах
For accidents that happened before 1 Jan 2020	[\$88,000 x % Pl]	[\$262,000 x % Pl]	\$69,000	\$204,000
NEW! For accidents that happened on and after 1 Jan 2020	[\$97,000 x % Pl]	[\$289,000 x % Pl] ³	\$76,000	\$225,000



Refer to Annex B (pages 30-31) to understand more on how to calculate the compensation amount for % PI.

¹Refer to Annex A (page 29) for the list of age multiplying factors.

²% Permanent Incapacity (PI) is based on doctor's assessment after employee's condition stabilises. The assessment is based on a set of Guidelines in the "Guide to the Assessment of Traumatic Injuries and Occupational Diseases for Workmen's Compensation (GATIOD)".

³This amount excludes additional 25% compensation that is paid to employees with total permanent incapacity to offset the cost of care for the injured employee.

STEPS TO CLAIM COMPENSATION FOR PERMANENT INCAPACITY (PI) AND DEATH

My employee injured himself or died due to work. What should I do now?

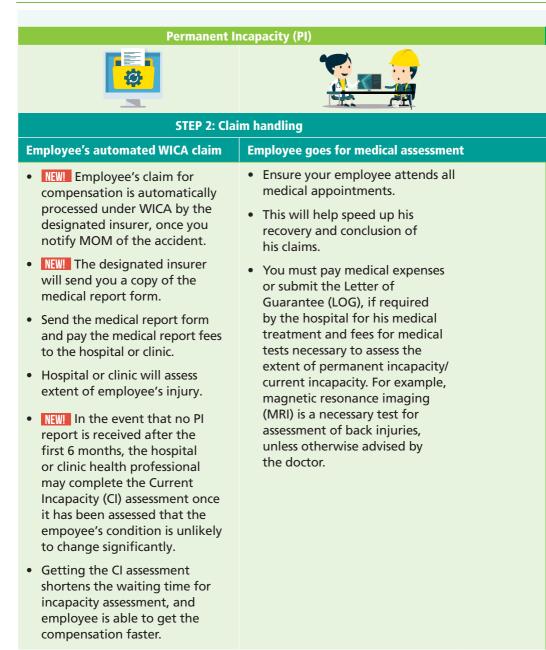




Do not influence doctors to prescribe less than the necessary length of medical leave. Injured employee should be given adequate medical leave to recover.



STEPS TO CLAIM COMPENSATION FOR PERMANENT INCAPACITY (PI) AND DEATH (CONT'D)



Death

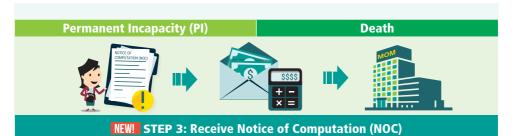


STEP 2: Claim handling

Submit relevant documents to the designated insurer

- Claim for compensation is automatically processed under WICA by the designated insurer, once you notify MOM of the fatality.
- Provide the following documents:
 - » Death certificate
 - » Copy of valid WIC insurance policy covering date of work accident
 - » Salary vouchers for the period of 12 months before accident
 - » Details of relative(s)
 - » Copy of passport for foreign employees
- The designated insurer will contact relative(s) for supporting documents to establish identity of dependents.
- You, your employee's supervisor or/and co-workers may need to attend an interview with the designated insurer to assess if claim is compensable.

STEPS TO CLAIM COMPENSATION FOR PERMANENT INCAPACITY (PI) AND DEATH (CONT'D)



- After submission of required documents, the compensation amount will be calculated.
- The designated insurer will issue a Notice of Computation (NOC) to inform you, your employee or your employee's relative(s) of the compensation amount.
- If anyone has any objection to the Notice, they have up to <u>14</u> days to inform MOM.
- If there are no objections, you or your designated insurer are required to pay the amount within <u>21</u> days of the Notice.
- Interest may be incurred for late payment.



Permanent Incapacity (PI)

Death



STEP 4: Resolve objections, if any

- Objecting party has to provide supporting documents to substantiate his objection.
- If the dispute remains unresolved, the case will be heard at a pre-hearing conference (PHC) before Assistant Commissioner (Work Injury Compensation).
- If the dispute remains unresolved at the PHC, the case will be escalated for hearing before Assistant Commissioner (Work Injury Compensation).
- Examples of objections:
 - » Injury or disease not work-related (Provide list of witnesses and any other supporting evidence e.g. photographs, video)
 - » Incorrect AME indicated in Notice of Computation (Provide salary vouchers and time cards)
- If a party objects to % PI assessment given by assessing doctor:
 - Employee undergoes re-assessment with a panel appointed by the Work Injury Compensation Medical Board.
 - » Objecting party bears costs of Medical Board fee (\$357) and other necessary tests. If not paid in time, objection may be struck off.
 - » Medical Board's decision is final.

Once all disputes are resolved, MOM will issue an Order requiring you or your designated insurer to pay the compensation within <u>21</u> days of the Order.



ANNEX A TABLE OF AGE MULTIPLYING FACTOR

Age of employee at next birthday after the accident	Permanent Incapacity (PI)	Death	Age of employee at next birthday after the accident	Permanent Incapacity (PI)	Death
14	181	136	41	142	107
15	180	135	42	140	106
16	179	135	43	138	105
17	178	134	44	136	104
18	178	134	45	134	103
19	177	133	46	132	102
20	176	132	47	130	101
21	175	132	48	128	100
22	174	131	49	126	98
23	173	130	50	124	96
24	172	129	51	122	94
25	170	128	52	120	92
26	169	127	53	118	90
27	168	127	54	116	88
28	167	125	55	114	86
29	165	124	56	111	84
30	164	123	57	108	82
31	162	122	58	105	80
32	160	121	59	102	78
33	159	120	60	99	75
34	157	118	61	96	72
35	155	117	62	92	68
36	153	115	63	87	63
37	151	114	64	82	58
38	149	112	65	77	53
39	146	110	66+	72	48
40	144	108	-	-	-

ANNEX B ILLUSTRATION ON CALCULATION OF COMPENSATION AMOUNT

The limits for % Permanent Incapacity (PI) are adjusted accordingly for the exact percentage of PI suffered by the injured employee.

Here's an example to illustrate how to calculate the compensation amount for % PI:

 Profile of injured employee: 39 years old at his next birthday* 5% Permanent Incapacity
This employee is eligible for compensation ranging from \$4,850 to \$14,450 .

The table below shows how the compensation will vary according to his Average Monthly Earnings (AME).

Example	Age Multiplying Factor (AMF)	% PI	AME	Calculated Compensation based on AMF x %PI x AME
1			\$450	146 X 5% X \$450 = \$3,285
2	146	5%	\$1,000	146 X 5% X \$1,000 = \$7,300
3			\$2,000	146 X 5% X \$2,000 = \$14,600

*Refer to Annex A (page 29) for the Table of Age Multiplying Factor. In this example, it is 146.

* NEW! The same formula applies to calculating Current Incapacity (CI) compensation.



Minimum and maximum compensation limits based on %PI x min/max limits	Actual Compensation
Min limit: 5% X \$97,000 = \$4,850 Max limit: 5% X \$289,000 = \$14,450	\$4,850 (as calculated compensation is below the minimum compensation limit)
Min limit: \$4,850 Max limit: \$14,450	\$7,300 (as calculated compensation is higher than the minimum but lower than the maximum compensation limit)
Min limit: \$4,850 Max limit: \$14,450	\$14,450 (as calculated compensation is higher than the maximum compensation limit)



USEFUL TIP An online tool (WIC Self-Assessment Tool) for calculating the various compensation benefits is available at www.mom.gov.sg/calculate-wic

ANNEX C SHOULD EMPLOYER REPORT THE INCIDENT

Exam	Compulsory to submit incident report		
An e	mployee met with a traffic accident:		
А.	while travelling during work and for work purpose (e.g. travel from workplace to venue for meeting), regardless of the mode of transport.	*	
В.	while taking company transport to and fro between home and workplace. The vehicle is not a public transport.	*	
C.	while running personal errands during or after work in his own transport (including bicycle)/his friend's transport/ public transport.	×	
D.	while driving own/company transport for work and met with an accident in which employee was not injured but a member of public was injured and hospitalised.	×	
shatt	A teacher was conducting a lab experiment and a test-tube shattered and cut the teacher and was given 4 days outpatient medical leave.		
resid	An employee, who is employed by a Singapore employer and resides in Singapore suffered a work injury during an overseas assignment.		
	A seafarer suffered a work injury while on board a Singapore- registered vessel, regardless of the location of the vessel.		
He is	A construction worker slips and falls, resulting a fractured leg. He is initially given 2 days of medical leave, but is subsequently given 2 weeks of medical leave.		

*This is on condition that the other reporting criteria are met, i.e employee injured in a work accident:

• Died, or

• NEW! Was given any instance of medical leave or light duty

ANNEX D LIST OF OFFENCES AND PENALTIES

Offence	Penalty
Failure to notify MOM a reportable accident within prescribed time	First offence – A fine of up to \$5,000; Second or subsequent offences – A fine of up to \$10,000 and/or imprisonment of up to 6 months
Failure to insure mandatory groups of employees under approved WIC insurance policies with designated insurers.	First offence – A fine of up to \$10,000 and/or imprisonment of up to 12 months Second or subsequent offences – A fine of up to \$20,000 and/or imprisonment of up to 12 months
Failure to pay compensation	NEW: First offence – A fine of up to \$15,000 and/or imprisonment of up to 12 months Second or subsequent offences – A fine of up to \$30,000 and/or imprisonment of up to 12 months
Providing false information or statement	First offence – A fine of up to \$5,000 and/or imprisonment of up to 6 months Second or subsequent offences – A fine of up to \$10,000 and/or imprisonment of up to 6 months

ANNEX E CHECKLIST FOR EMPLOYERS' OBLIGATIONS UNDER WICA 2019

i. Insurance	 ✓
Maintain an approved Work Injury Compensation (WIC) insurance policy for both your local and foreign employees.	
Ensure that the approved WIC insurance policy reflects the employees to be covered.	
Check for work-related exclusion clauses and recovery clauses. If in doubt, approach your designated insurers to clarify on any of the terms in the WIC insurance policy.	
ii. Report accident	
NEW! Submit an incident report to MOM within 10 days from the date when you first have notice of the accident that requires your employee to be hospitalised or given any instance of medical leave or light duty.	
Inform your designated insurer about the accident.	
iii. Compensation	
Pay medical leave wages to your employee by his next pay day failing which, to pay within the next 14 days from receipt of the original medical certificates.	
Pay medical fees/expenses promptly so that your employee's medical treatments will not be delayed.	
iv. Communication	
Explain to your employee his rights and entitlements under WICA 2019. If information is not provided timely, they may go to a lawyer.	
Show concern and support for your employee while he is recovering from his injury.	

v. Injury management	
Ensure your employee attends all medical appointments.	
Provide suitable work duties to support your injured employee's recovery at work or return to work.	
Pay for your foreign employee's upkeep and maintenance, including medical treatment and acceptable accommodation until he is repatriated from Singapore.	
Do not repatriate your foreign employee if MOM requires him to stay in Singapore for the purpose of his work injury compensation claim.	
vi. Case conclusion	
If there is no objection to the Notice of Computation(NOC), please follow up with the designated insurer and ensure the injured employee receives his compensation (if any) within 21 days from the the NOC.	
If there are objections, please attend all meetings so that the dispute can be resolved.	

For more information, check out our website www.mom.gov.sg

UPDATED IN JANUARY 2021

Information provided in this guide is correct at the time of printing. This guide provides employers with information on Work Injury Compensation and their responsibilities under the Work Injury Compensation Act 2019 (WICA 2019). As a guide, this booklet has no legal standing. If in doubt, reference should be made to the WICA 2019 itself.

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