

**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**WORKMEN'S COMPENSATION ACT**  
**(CHAPTER 354)**

**Act**  
**25 of 1975**

**Amended by**  
**34 of 1980**  
**S 336/86**

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# Workmen's Compensation Act

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An Act relating to the payment of compensation to workmen for injury suffered in the course of their employment.

[1st October 1975]

## PART I

## PRELIMINARY

- Short title.      1. This Act may be cited as the Workmen's Compensation Act.
- Interpre-      2.—(1) In this Act, unless the context otherwise  
tation.      requires —
- 34/80.      “approved hospital” means a hospital declared to be  
                 such under section 14 (1);
- Cap. 91.      “Commissioner” means the Commissioner for Labour  
                 appointed under section 3 of the Employment Act,  
                 and includes any officer to whom the Commis-  
                 sioner has delegated all or any of the powers  
                 conferred or duties imposed upon the Commis-  
                 sioner by this Act;
- “dependant”, in respect of a deceased workman,  
                 means the wife, husband, parent, grandparent,

step-father, step-mother, child, grandchild, step-child, brother, sister, half-brother, half-sister, step-brother and step-sister irrespective of whether that person is actually dependent on the workman's earnings or not and for the purpose of this definition —

(a) the child of a deceased workman shall be deemed to include the illegitimate child of such workman and any child whose adoption by him has been registered under the provisions of the Adoption of Children Act and any child under the care, custody or control of that workman pursuant to section 13 of the Children and Young Persons Act; and

Cap. 4.

Cap. 38.

(b) the parent of a deceased workman shall be deemed to include the father and the mother of an illegitimate child and the person who has registered the adoption of any child under the provisions of the Adoption of Children Act and the person who has the care, custody or control of a child pursuant to section 13 of the Children and Young Persons Act;

“domestic servant” means a person employed exclusively in the work or in connection with work of a private dwelling-house and not of any trade, business or profession carried on by the employer in such dwelling-house and includes a gardener or a driver or cleaner of any vehicle licensed for private use;

“earnings” means any wages paid in cash to the workman by the employer and any privilege or benefit which is capable of being estimated in money and includes the value of any food or quarters supplied to the workman by the employer if as a result of the accident the workman is deprived of such food or quarters; and any overtime payments or other special remuneration for work done, whether by way of bonus, allowance or otherwise, if of constant character or for work habitually performed except —

(a) a travelling allowance;

- (b) the value of any travelling concession;
- (c) a contribution paid by the employer towards any pension or provident fund;
- (d) a sum paid to the workman to cover any special expenses incurred by him by reason of the nature of his employment;

“employer” includes —

- (a) the Government;
- (b) any statutory body or authority;
- (c) the legal personal representative of a deceased employer; and
- (d) in relation to a person employed for the purpose of any game or recreation and engaged or paid through a club, the manager or members of the managing committee of that club,

and where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Act, be deemed to continue to be the employer of the workman whilst he is working for that other person;

“injury” includes any condition specified in the Second Schedule;

“medical practitioner” means a medical practitioner registered or exempted from registration under the provisions of any written law relating to the registration of medical practitioners in Singapore;

“outworker” means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles;

“partial incapacity” means, where the incapacity is of a temporary nature, such incapacity as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in his incapacity and, where the incapacity is of a permanent nature, such incapacity as reduces his earning capacity in every employment

which he was able to undertake at the time of the accident:

Provided that every injury specified in the First Schedule, except such injury or combination of injuries in respect of which the percentage or aggregate percentage of the loss of earning capacity as specified in that Schedule against such injury or injuries amounts to or exceeds 100%, shall be deemed to result in permanent partial incapacity;

“seaman” means any person employed as part of the crew of any Singapore ship within the meaning of the Merchant Shipping Act and includes the master of any such ship;

Cap. 179.

“total incapacity” means such incapacity whether of a temporary or permanent nature as incapacitates a workman for all work which he was capable of undertaking at the time of the accident resulting in such incapacity:

Provided that permanent total incapacity shall be deemed to result from an injury or from any combination of injuries specified in the First Schedule where the percentage or aggregate percentage of the loss of earning capacity as specified in that Schedule against such injury or injuries amounts to or exceeds 100%;

“workman” means any person who has, either before or after the commencement of this Act, entered into or works under a contract of service or of apprenticeship with an employer, whether by way of manual labour or otherwise and whether the contract is express or implied or is oral or in writing, and whether the remuneration is calculated by time or by work done except —

(a) a person employed otherwise than by way of manual labour whose earnings, calculated in accordance with section 8, exceed —

- (i) \$1,250 a month where no other maximum amount of the earnings is specified under sub-paragraph (ii); or

- (ii) where the maximum amount of the earnings is specified under this sub-paragraph by the Minister from time to time by notification in the *Gazette*, such amount as may for the time being be so specified;
- (b) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business, not being a person employed for the purposes of any game or recreation and engaged or paid through a club;
- (c) a domestic servant;
- (d) a police officer and any other person engaged to perform police duties in accordance with the provisions of any written law while so performing such duties;
- (e) an outworker;
- (f) any member of the family of the employer who dwells with him in his house;
- (g) any class of persons whom the Minister may, by order, declare not to be workmen for the purposes of this Act.

(2) If in any proceedings for the recovery of compensation under this Act it appears to the Commissioner or the court that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened was illegal, the Commissioner, or the court may, if having regard to all the circumstances of the case he thinks proper to do so, deal with the matter as if the injured person had at such time been a person working under a valid contract of service or apprenticeship.

(3) Any reference to a workman who has been injured shall, unless the context otherwise requires, where the workman is dead, include a reference to his legal personal representative or to his dependants or any of them.

(4) This Act shall apply to an accident happening to a workman outside Singapore where the workman is ordinarily resident in Singapore and is employed by an employer in Singapore but is required in the course of his employment to work outside Singapore.

(5) The exercise and performance of the powers and duties of a department of the Government or a statutory body or authority shall, for the purposes of this Act, be deemed to be the trade or business of the Government or statutory body or authority, as the case may be.

## PART II

### WORKMEN'S COMPENSATION FOR INJURY

3.—(1) If in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall be liable to pay compensation in accordance with the provisions of this Act.

Employer's liability for compensation.

(2) An accident happening to a workman while he is, with the express or implied permission of his employer, travelling as a passenger by any means of transport to or from his place of work shall be deemed to arise out of and in the course of his employment if at the time of the accident the means of transport is being operated by or on behalf of his employer or by some other person by whom it is operated in pursuance of arrangements made with his employer and is not being operated in the ordinary course of a public transport service.

(3) An accident happening to a workman in or about any premises at which he is for the time being employed for the purposes of his employer's trade or business shall be deemed to arise out of and in the course of his employment if it happens while he is taking steps, on an actual or supposed emergency at those premises, to rescue or protect persons who are, or are thought to be or possibly to be injured or imperilled, or to avert or minimise damage or loss to property.

(4) An accident happening to a workman shall be deemed to arise out of and in the course of his employment notwithstanding that he was at the time of the accident acting in contravention of any written law or other regulations applicable to his employment, or of any orders given

by or on behalf of his employer, or that he was acting without instructions from his employer, if —

- (a) the accident would have been deemed so to have arisen had such act not been done in contravention as aforesaid or without instructions from his employer, as the case may be; and
- (b) such act was done for the purposes of and in connection with the employer's trade or business.

(5) An employer shall not be liable to pay compensation in respect of —

- (a) any injury to a workman resulting from an accident if it is proved that the injury to the workman is directly attributable to the workman having been at the time thereof under the influence of alcohol or a drug not prescribed by a medical practitioner unless the injury results in the death or permanent incapacity causing a loss of not less than 50% of the earning capacity of the workman; or
- (b) any incapacity or death resulting from a deliberate self-injury or the deliberate aggravation of an accidental injury.

(6) For the purposes of this Act, an accident arising in the course of a workman's employment shall be deemed, in the absence of evidence to the contrary, to have arisen out of that employment.

Compensation for occupational diseases.

4.—(1) If a workman who is employed in any occupation specified in the Second Schedule contracts a disease shown in that Schedule to be related to that occupation, or if a workman who has been employed in that occupation contracts that disease within 12 months, or in the case of silicosis or asbestosis within 36 months, after ceasing to be so employed, and if incapacity or the death of the workman results from that disease, compensation shall be payable as if the disease were a personal injury by accident arising out of and in the course of that employment, and all the other provisions of this Act shall apply accordingly, subject to this section.

(2) When a workman enters into a contract of service or apprenticeship with any employer to work in any occupation

specified in the Second Schedule or is, with his consent, transferred by his employer to such an occupation, he shall, if requested to do so by the employer, submit himself for examination by a medical practitioner, the fee for which shall be paid by the employer; but he shall not be required to submit himself for such examination otherwise than in accordance with regulations made under this Act.

(3) No compensation shall be payable by an employer under this section in respect of the incapacity or death of a workman if the incapacity begins or the death happens more than 12 months, or in the case of silicosis or asbestosis more than 36 months, after the workman has ceased to be employed in his employment:

Provided that this subsection shall not apply to the death of a workman where his death has been preceded, whether immediately or not, by any period of incapacity in respect of which compensation is payable under this section.

(4) For the purposes of calculating the monthly earnings of the workman in a claim for compensation under this section, the date of commencement of the incapacity of the workman or the date of his death, if there has been no previous period of incapacity, shall be treated as the date of the happening of the accident, if he is then employed by the employer from whom compensation is claimed in any employment to the nature of which the disease is due, and if he is not then so employed, the last day on which he was so employed shall for this purpose be deemed to be the date of the happening of the accident.

(5) For all other purposes of this Act, the date of commencement of the incapacity of the workman, or the date on which a medical practitioner certifies that in his opinion the workman is suffering from such disease, whichever date is the earlier, or the date of his death if there has been no previous period of incapacity shall be deemed to be the date of the happening of the accident.

(6) If the disease has been contracted by a gradual process, so that two or more employers are severally liable to pay compensation in respect thereof under this section, the aggregate amount of such compensation shall not exceed the amount that would have been payable if those employers had been a single employer, and in such case each of those employers shall, in default of agreement, be

liable for such proportion of the compensation payable as the Commissioner thinks just.

(7) The Minister may appoint such medical practitioners to be medical referees for the purpose of determining whether the disease in respect of which compensation is claimed is in fact a disease specified in the Second Schedule and any other matter which is material for the determination of any claim for compensation under this Act.

(8) The report of a medical referee appointed under subsection (7) may be acted upon by the Commissioner as if it were conclusive evidence of the facts certified in such report.

Compensation limited to injuries received at work.

5. Except as provided in sections 3 and 4, no compensation shall be payable to a workman in respect of any disease unless the disease is directly attributable to a specific injury by accident arising out of and in the course of the relevant employment.

Persons entitled to compensation.

6.—(1) The compensation shall be payable to or for the benefit of the workman, or, where death results from the injury, to or for the benefit of his dependants as provided by this Act.

(2) Where a dependant dies before a claim under this Act is determined by the Commissioner, the legal personal representative of the dependant shall have no right to payment of compensation, and the amount of compensation shall be calculated and apportioned as if that dependant had died before the workman.

(3) Where a deceased workman has no dependants the compensation shall be paid into a fund to be known as the Workers' Fund which shall be established, maintained and applied in accordance with regulations made under this Act and the person managing the Fund shall be entitled to claim the compensation.

Amount of compensation.

7. Subject to the provisions of this Act, the amount of compensation payable shall be in accordance with the provisions of the Third Schedule.

8.—(1) For the purposes of this Act, the earnings of a workman shall be computed in such manner as is best calculated to give his true monthly earnings at the date of the accident, subject to the following provisions:

Method of calculating earnings.

- (a) where the workman has been exclusively employed by the employer who is liable to pay compensation during a continuous period of 12 months or any shorter period immediately preceding the accident, his monthly earnings shall be deemed to be the average amount of his earnings during those 12 months or shorter period, as the case may be;
- (b) where the workman has been exclusively employed by the employer who is liable to pay compensation for any period which is less than a month, his monthly earnings shall be deemed to be the earnings he would have received for that month for the work in which he was employed if the accident had not happened;
- (c) where reliable evidence of the earnings of the relevant workman under paragraph (a) or (b) does not exist or cannot be adduced without undue delay or expense, regard may be had to evidence of the earnings of workmen employed on similar work in the same locality at or about the date of the accident;
- (d) where the earnings of a workman cannot be determined according to paragraph (a), (b) or (c) or where the earnings of a workman so determined are less than —
  - (i) \$120 a month in the case of a workman who is 18 years of age and above;
  - (ii) \$105 a month in the case of a workman who is below 18 years of age but is 16 years of age and above; or
  - (iii) \$90 a month in the case of a workman below 16 years of age,

then in any such case, the monthly earnings of a workman who is 18 years of age and above shall be deemed to be \$120, the monthly earnings of a workman below 18 years of age but who is 16 years of age and above shall be deemed to be

\$105, and the monthly earnings of a workman below 16 years of age shall be deemed to be \$90.

(2) Where a workman is employed in the same occupation under contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his monthly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident.

(3) For the purposes of this section, a period of service shall be deemed to be continuous if it has not been interrupted by a period of absence from work exceeding 14 days.

Distribu-  
tion of  
compensa-  
tion.

9.—(1) No payment of compensation in respect of a workman whose injury has resulted in death or permanent incapacity shall be made otherwise than by deposit with the Commissioner, and any such payment made directly to the workman or his dependant shall be deemed not to be payment of compensation for the purposes of this Act:

Provided that the Commissioner may —

- (a) authorise payment of compensation to be made directly to a workman who is not less than 18 years of age in respect of injury resulting in permanent partial incapacity;
- (b) take into account any amount paid otherwise than in accordance with this subsection in assessing the compensation payable under this Act if he considers it fair and reasonable to do so.

(2) The receipt of the Commissioner shall be a sufficient discharge for any compensation deposited with him.

(3) On the deposit of any money under subsection (1) as compensation in respect of an accident resulting in the death of a workman, the Commissioner may deduct therefrom the actual amount of the expenses of the funeral of the workman or \$250, whichever is the less, and may pay the same to the person by whom such expenses were incurred.

(4) Compensation deposited in respect of an accident resulting in the death of a workman shall be apportioned

among the dependants of the deceased workman in such proportion as the Commissioner thinks fit, or may, in the discretion of the Commissioner, be allotted to any one dependant.

(5) (a) Where any lump sum deposited with the Commissioner is payable to a person who is under any legal disability or in any other case where the Commissioner considers it desirable to do so, the Commissioner may in his discretion order such sum to be invested, applied or otherwise dealt with for the benefit of that person in such manner and for such period as the Commissioner may determine.

(b) Where a half-monthly payment is payable to any workman under a legal disability the Commissioner may, of his own motion or on application made to him in that behalf, order that the payment be made during the disability to any dependant of the workman or to any other person whom the Commissioner thinks best fitted to provide for the welfare of the workman.

(6) If the Commissioner is satisfied after such inquiry as he may consider necessary that no dependant of a deceased workman exists or can be traced and the circumstances are such that there is no reasonable likelihood that any dependant can be traced he shall pay the balance of the money deposited with him under subsection (1) to the Workers' Fund.

(7) Where after inquiry made of his own motion or on application made to him the Commissioner is satisfied that by reason of any change in the circumstances of any dependant, or for any other sufficient cause, an order of the Commissioner made under this section ought to be varied, the Commissioner may make such order for the variation of that order as he thinks just in the circumstances of the case:

Provided that no such order prejudicial to any person shall be made unless that person has been given an opportunity of showing cause why the order should not be made, and no such order shall require the repayment by a dependant of any sum already paid to him except where such payment has been obtained by fraud or other improper means.

Compensation not to be assigned, attached or charged.

**10.** Subject to the provisions of this Act, no lump sum or half-monthly payment payable under this Act shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law nor shall any claim be set off against the same.

Notice and claim.  
34/80.

**11.—(1)** Except as provided in this section, proceedings for the recovery of compensation for an injury under this Act shall not be maintainable unless notice of the accident has been given to the employer by or on behalf of the workman as soon as practicable after the happening thereof and unless a claim for compensation with respect to that accident has been made within one year from the happening of the accident causing the injury, or, in the case of death, within one year from the date of the death.

(2) No notice to the employer shall be necessary where a fatal accident has occurred.

(3) The want of or any defect or inaccuracy in a notice shall not be a bar to the maintenance of proceedings if the employer is proved to have had knowledge of the accident from any other source at or about the time of the accident, or if it is found in the proceedings for settling the claim that the employer is not, or would not be, if a notice or amended notice were then given and the hearing postponed, prejudiced in his defence by the want, defect or inaccuracy, or that such want, defect or inaccuracy was occasioned by mistake, absence from Singapore or other reasonable cause.

(4) The failure to make a claim within the period specified in subsection (1) shall not be a bar to the maintenance of proceedings if it is found that the failure was occasioned by mistake, absence from Singapore or other reasonable cause.

(5) Notice to the employer (or, if there is more than one employer, to one of such employers) in respect of an injury may be given either in writing or orally or to the foreman or other person under whose supervision the workman was employed, or to any person designated for the purpose by the employer, and shall state in ordinary language the cause of the injury and the date on which and the place at which the accident happened.

(6) The notice if in writing may be given by delivering the notice at, or sending it by registered post addressed to, the residence or place of business of the person to whom it is to be given.

**12.—(1)** Every employer shall give notice —

- (a) to the Commissioner in the prescribed form; and
- (b) to his insurer in writing,

Notice to Commissioner and insurer by employer.

of the occurrence of any accident within 10 days thereof where the accident results in the death or immediate incapacity of any workman employed by him.

(2) Any employer who fails to give notice as required by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(3) For the purposes of this section, “employer” shall include the person, if any, referred to in section 17 as the principal.

**13.—(1)** When notice of an accident has been given to an employer by a workman or on his behalf, the employer shall, before the expiry of 5 days from the time at which service of the notice has been given, offer to have the workman examined free of charge by a medical practitioner and shall pay the cost of any medical treatment and medicines for the workman as the medical practitioner considers necessary, and the workman shall submit himself for such examination; and any workman who is in receipt of a half-monthly payment under this Act shall, if required by the employer, submit himself for such examination from time to time:

Medical examination and treatment.

Provided that a workman shall not be required to submit himself for examination otherwise than in accordance with regulations made under this Act.

(2) When medical reports are required for the purpose of this Act, the fees for such reports shall be paid by the employer.

(3) If a workman, on being required to do so by the employer under subsection (1) or by the Commissioner, at any time fails to submit himself for examination by a medical practitioner, his right to compensation shall be suspended until the examination has taken place; and if the

34/80.

failure extends over a period of 6 months from the date when the workman was required to submit himself for examination by the Commissioner, no compensation shall be payable in respect of any injury to the workman resulting from the accident unless the injury results in the death of the workman or unless the Commissioner is satisfied that there was reasonable cause for the failure.

(4) If a workman having been so required, and before the expiry of the period within which he is liable under subsection (1) to submit himself for medical examination, voluntarily leaves, without having been so examined, the place at which he was residing at the time of the accident, his right to compensation shall be suspended until he notifies his employer of his new address and offers himself for such examination.

(5) Where a workman whose right to compensation has been suspended under subsection (3) or (4) dies without having submitted himself for medical examination as required by those subsections, the Commissioner may, if he thinks fit, direct the payment of compensation to the dependants of the deceased workman.

(6) Where under subsection (3) or (4) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension.

(7) Where an injured workman has refused to be treated by a medical practitioner or has failed to carry out or deliberately disregarded the instructions for his treatment, then —

- (a) where the workman is in receipt of half-monthly payments under the provisions of this Act, the Commissioner may order the suspension of those half-monthly payments until the workman accepts such treatment or has carried out such instructions, and may further, where the Commissioner is satisfied that the duration of the workman's incapacity has been prolonged by such refusal, failure or disregard, order those half-monthly payments to be restricted to such period, calculated from the date of injury, as the disability of the workman might reasonably have been expected to have lasted for, had he accepted treatment and followed instructions; or

(b) where the workman has suffered permanent incapacity and the Commissioner is satisfied that the incapacity has been aggravated by such refusal, failure or disregard, the Commissioner may order that compensation be paid to the workman appropriate to such incapacity as he might reasonably have been expected to have suffered if he had been regularly treated by a medical practitioner.

14.—(1) The Minister shall from time to time by notification in the *Gazette* declare which hospitals are approved hospitals for the purpose of this Act; and, where a medical practitioner certifies that it is necessary for an injured workman to receive treatment in an approved hospital, that workman may be admitted to an approved hospital.

Approved  
hospitals.

(2) Where an injured workman is admitted to an approved hospital, the employer shall, in addition to the payment of compensation under this Act, be liable to pay directly to the hospital all fees and charges in respect of that workman and the costs of such medicines and artificial limbs and surgical appliances as are certified by the medical practitioner in charge of the approved hospital to be necessary and which are in fact supplied to that workman:

Provided that the Minister shall from time to time by notification in the *Gazette* prescribe the maximum amounts for which an employer shall be liable in respect of the fees and costs specified in this subsection.

(3) If the injured workman refuses treatment at an approved hospital and the treatment is certified by a medical practitioner to be necessary, any order of compensation made to him may, at the instance of the employer, be suspended or reviewed by the Commissioner.

15.—(1) Any half-monthly payment payable under this Act may be reviewed by the Commissioner on the application either of the employer or of the workman accompanied by a certificate of a medical practitioner that there has been a change in the condition of the workman.

Review.

(2) Any half-monthly payment may, on review under this section, and subject to the provisions of this Act, be continued, increased, decreased or ended.

Commuta-  
tion of half-  
monthly  
payments.

**16.** Any half-monthly payments may, where the payments have been continued for not less than 6 months, be commuted into a lump sum of such amount as may be agreed to by the parties and consented to by the Commissioner.

Liability  
in case of  
workmen  
employed by  
contractors.  
34/80.

**17.—(1)** Where any person (referred to in this section as the principal) in the course of or for the purpose of his trade or business contracts with any other person (referred to in this section as the contractor) for the execution by the contractor of the whole or any part of any work, or for the supply of labour to carry out any work, undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman had been immediately employed by him; and where a claim has been made against the principal for compensation this Act shall apply as if references to the principal were substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by the person who would have been liable to pay compensation to the workman independently of this section.

(3) Nothing in this section shall be construed as preventing a workman from recovering compensation under this Act from the contractor instead of the principal, and a claim made against a principal or a contractor, as the case may be, shall not bar subsequent proceedings under this Act against the other to recover so much of the compensation as may remain unpaid.

(4) This section shall not apply in any case where the accident occurred elsewhere than at or about the place where the principal has undertaken to execute, work or which is under his control or management.

Remedies  
both against  
employer  
and stranger.

**18.** Where any injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof —

(a) the workman may take proceedings against that person to recover damages and may claim

- against any person liable to pay compensation under this Act, but he shall not be entitled to recover both damages and compensation; and
- (b) if the workman has recovered compensation under this Act, the person by whom the compensation was paid, and any person who has been called upon to pay an indemnity under section 17 (2), shall be entitled to be indemnified by the person so liable to pay damages as aforesaid.

**19.—**(1) Where any employer has entered into a contract with any insurer in respect of any liability under this Act to any workman, then, in the event of the employer becoming bankrupt or making a composition or scheme of arrangement with his creditors, or, if the employer is a company, in the event of the company having commenced to be wound up or a receiver or manager of the company's business or undertaking having been duly appointed or possession having been taken by or on behalf of the holders of debentures secured by a floating charge of any property comprised in or subject to the charge, the rights of the employer against the insurer as respecting that liability shall, notwithstanding anything in any written law relating to bankruptcy or the winding up of companies for the time being in force in Singapore, be transferred to and vest in the workman, and upon any such transfer the insurer shall have the same rights and remedies and be subject to the same liabilities as if the insurer were the employer, but the insurer shall not be under any greater liability to the workman than it would have been to the employer.

Bankruptcy  
of employer.

(2) If the liability of the insurer to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the bankruptcy or liquidation or, as the case may be, may recover the balance from the receiver or manager.

(3) Where in any case such as is referred to in subsection (1) the contract of the employer with the insurer is void or voidable by reason of non-compliance on the part of the employer with any terms or conditions of the contract (other than a stipulation for the payment of premiums), that subsection shall apply as if the contract were not void or voidable, and the insurer shall be entitled to prove in the

bankruptcy or liquidation for the amount paid to the workman:

Provided that this subsection shall not apply in any case in which the workman fails to give notice to the insurer of the happening of the accident and of any resulting incapacity as soon as practicable after he becomes aware of the institution of the bankruptcy or liquidation proceedings and that the employer was insured and with whom.

(4) There shall be included among the debts which —

Cap. 20.

(a) under section 43 of the Bankruptcy Act are to be paid in priority to all other debts;

Cap. 50.

(b) under section 328 of the Companies Act are to be paid in priority to all other debts; and

(c) under section 226 of the Companies Act are to be paid in priority to any claim for principal or interest in respect of debentures,

the amount due in respect of any compensation or liability for compensation accrued before the following dates:

(i) in the case mentioned in paragraph (a), the date of the receiving order;

(ii) in the case mentioned in paragraph (b), the date of the commencement of the winding up of the company or, where the company is ordered to be wound up compulsorily and had not previously commenced to be wound up voluntarily, the date of the winding-up order; and

(iii) in the case mentioned in paragraph (c), the date of the appointment of the receiver or of possession being taken as mentioned in section 226 of the Companies Act.

(5) Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this section, be taken to be the amount of the lump sum into which the half-monthly payment could, if commutable, be commuted if application were made for the purpose under section 16 and a certificate of the Commissioner as to the amount of such sum shall be conclusive proof thereof.

(6) Subsection (4) shall apply in the case of any amount for which an insurer is entitled to prove under subsection (3), but otherwise subsection (4) shall not apply where the

bankrupt or the company being wound up has entered into such a contract with the insurer as is referred to in subsection (1).

(7) This section shall not apply where a company is wound up voluntarily for the purpose only of reconstruction or of amalgamation with another company.

**20.** This Act shall apply to seamen who are workmen within the meaning of this Act, subject to the following modifications:

Special provisions relating to seamen.

- (a) the notice of the accident and the claim for compensation may, except where the person injured is the master of the ship, be served on the master of the ship as if he were the employer, but where the accident happened and the incapacity commenced on board the ship, it shall not be necessary for any seaman to give any notice of the accident;
- (b) in the case of the death of a master or seaman the claim for compensation shall be made within 6 months after the news of the death has been received by the claimant or, where the ship has been or is deemed to have been lost with all hands, within 18 months after the date on which the ship was or is deemed to have been so lost;
- (c) where an injured master or seaman is discharged or left behind in any territory in the Commonwealth or in a foreign country, depositions respecting the circumstances and nature of the injury may be taken by any judge or magistrate in that territory or by a consular officer in the foreign country, and if so taken and transmitted by the person by whom they are taken to the Minister, they or certified copies thereof shall, in any proceedings for enforcing the claim, be admissible in evidence as provided by sections 363 and 367 of the Merchant Shipping Act, and those sections shall apply accordingly;
- (d) no half-monthly payment shall be payable in respect of the period during which the owner of the ship is, under any law relating to shipping in force for the time being in Singapore or any part thereof, liable to defray the expenses of maintenance of the injured master or seaman.

Cap. 179.

Contracting  
out.

**21.** Any contract or agreement whether made before, on or after the commencement of this Act whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment shall be void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Act.

Commis-  
sioner may  
receive and  
pay to  
dependants  
money due to  
a dead work-  
man from his  
employer.

**22.** Notwithstanding anything in any written law relating to the administration or distribution of estates of deceased persons for the time being in force in Singapore, where a workman has died and it appears to the Commissioner that his dependants are entitled to compensation under this Act and that any money not exceeding the amount of his earnings for two months as calculated under section 8 was payable to that workman by his employer it shall be lawful for the Commissioner in his discretion to receive that money and to pay the money to the dependants without the production of a grant of representation.

Compulsory  
insurance  
against  
employer's  
liability.  
Cap. 142.

**23.—(1)** Every employer shall insure and maintain insurance under one or more approved policies with an insurer within the meaning of the Insurance Act against any liability which he may incur under the provisions of this Act to any workman employed by him except as the Minister may, by notification in the *Gazette*, otherwise provide.

(2) Any employer who, for the purpose of defraying or partly defraying the cost of insurance in respect of his liability to pay compensation under this Act, makes any deduction from the earnings of a workman in his employment shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) Any employer who fails to insure himself in accordance with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$4,000 or to imprisonment for a term not exceeding one year or to both.

(4) For the purposes of this section, "approved policy" means a policy of insurance not subject to any conditions or exceptions prohibited by regulations made under this Act.

PART III

MISCELLANEOUS

24.—(1) Subject to the provisions of this Act, the Commissioner shall have power to assess and make an order on the amount of compensation payable to any person on any application made by or on behalf of that person.

Commissioner to assess compensation payable.

(2) The Commissioner shall cause to be served on the employer and the person claiming compensation personally or by registered post a notice stating the amount of the compensation payable in accordance with the assessment made by the Commissioner under subsection (1).

(3) If no objection is received by the Commissioner within two weeks of the service of the notice under subsection (2), the assessment of compensation made by the Commissioner shall be deemed to have been agreed upon by the employer and the person claiming compensation and shall have the effect of an order under section 25 (2) but no appeal shall lie against such an order.

(4) In any such case as is mentioned in subsection (3), the employer shall, within 21 days of the service of the notice under subsection (2), pay the Commissioner or the person claiming compensation as the Commissioner may direct the amount of compensation determined.

(5) Where payment is not made in accordance with subsection (4), the employer shall be liable to pay to the Commissioner interest at the rate of 1½% for each month or part thereof of the assessed amount from the date of the service of the notice under subsection (2) until the expiry of 6 months from that date and thereafter at the rate of 3% for each month or part thereof:

34/80.

Provided that —

- (a) the amount of interest to which the employer is liable shall not exceed 50% of the assessed amount; and
- (b) the Commissioner may in his discretion waive or remit the whole or any part of such interest.

(6) Any assessment of compensation made by the Commissioner under this section may, in any case involving silicosis or asbestosis, be reviewed at any time within 3 years from the date of the assessment if the Commissioner is

satisfied that since that date there has been an aggravation of the result of the relevant disease and that the amount of compensation originally assessed is substantially inadequate; and the Commissioner shall where such a review has been made issue a notice of assessment of additional compensation payable by the employer.

(7) This section and section 25 shall apply to a notice of assessment of additional compensation under subsection (6) as they apply to a notice of assessment of compensation.

Objection  
to notice of  
assessment.

**25.**—(1) If any employer or person claiming compensation objects to the notice of assessment of compensation issued by the Commissioner under section 24, he may within 14 days of the service of the notice of assessment give notice of his objection in writing to the Commissioner stating precisely the grounds of his objection:

Provided that the Commissioner may, in his discretion, allow an objection to be made after the period specified in this subsection.

(2) On receipt of the notice of objection referred to in subsection (1), the Commissioner shall as soon as practicable conduct a hearing of the case and may hand down a decision accordingly and in pursuance of that decision make such order for the payment of compensation as he thinks just.

(3) The Commissioner may, before conducting any hearing under this section, require a preliminary investigation to be made by such public officer as he shall appoint in writing in that behalf into the circumstances of any workman and for this purpose section 30 shall apply to that officer.

(4) Any public officer appointed under subsection (3) to make a preliminary investigation shall, upon completing the investigation, forward to the Commissioner the record of the investigation and the record shall form part of the record of the Commissioner.

Experts to  
assist Com-  
missioner.

**26.** The Commissioner may, for the purpose of determining any matter under this Act, appoint one or more persons possessing special knowledge of that matter to assist the Commissioner.

**27.**—(1) Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of that person by an advocate or solicitor or, with the leave of the Commissioner, by any other person authorised in writing by that person, or, when that person is an employer by a person in his permanent and exclusive employment or by his insurer.

Appearance  
of parties.

(2) Where the Government is a party to any proceedings under this Act such appearance, application or act may be made by the head of the department by, in or under which the workman was employed or by any officer of that department authorised in writing by the head thereof or by the Attorney-General or any person authorised by him.

**28.** Where an order has been made by the Commissioner under section 25 it shall be enforced by a District Court in the same manner as a judgment of that Court and all necessary processes may be served by that Court on behalf of the Commissioner:

Enforcement  
of orders.

Provided that no sale of immovable property shall for the purposes of such enforcement be ordered except by the High Court.

**29.**—(1) Subject to section 24 (3), any person aggrieved by any order of the Commissioner made under this Act may appeal therefrom to the High Court whose decision shall be final.

Appeal from  
decision of  
Commis-  
sioner.

(2) Subject to Rules of Court, the procedure in an appeal to the High Court shall be the procedure in a civil appeal from a District Court with such modifications as the circumstances may require:

Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal and the amount in dispute is not less than \$1,000.

(3) Notwithstanding any appeal under this section, the employer shall deposit with the Commissioner the amount of compensation determined by the Commissioner under section 25 within 21 days from the date of the Commissioner's decision, and the deposit shall be held by the Commissioner pending the outcome of the appeal.

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(4) Where an employer fails to make a deposit with the Commissioner under subsection (3), he shall be liable to pay to the Commissioner interest at the rate of  $1\frac{1}{2}\%$  for each month or part thereof of the assessed amount from the date of the Commissioner's decision until the expiry of 6 months from that date and thereafter at the rate of  $3\%$  for each month or part thereof:

Provided that —

(a) the amount of interest to which the employer is liable shall not exceed  $50\%$  of the assessed amount; and

(b) the Commissioner may in his discretion waive or remit the whole or any part of such interest.

34/80.

(5) Any interest paid to the Commissioner under subsection (4) and section 24 (5) shall be payable to or for the benefit of the workman, or, where death results from the injury, to or for the benefit of his dependants; and where a deceased workman has no dependants the interest shall be paid into the Workers' Fund.

Powers of  
Commis-  
sioner.

**30.**—(1) For the purposes of this Act, the Commissioner shall have all the powers of a District Judge for the summoning and examination of witnesses and the administration of oaths or affirmations and for compelling the production of documents and material objects.

(2) The Commissioner shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and the memorandum shall be signed by the Commissioner with his own hand and shall form part of the record:

Provided that the evidence of any medical witness shall be taken down as nearly as may be word for word.

(3) Any person who in any way wilfully obstructs the service of or obedience to any summons and any person summoned who neglects to attend and to produce documents as required in such summons and any person who commits in respect of any proceedings under this Act any offence described in Chapter X of the Penal Code shall be punishable on conviction as provided in that Chapter.

Cap. 224.

(4) Every person who gives evidence before the Commissioner shall be bound to answer truthfully all questions put to him by the Commissioner and any person who wilfully

makes any false statement or who gives any evidence in any proceedings under this Act which he knows to be untrue, or who does any other act, which if done in any judicial proceedings would be punishable under Chapter XI of the Penal Code, shall be punishable on conviction as provided in that Chapter. Cap. 224.

**31.** All costs of and incidental to any proceedings before the Commissioner shall, subject to regulations made under this Act, be in the discretion of the Commissioner. Costs.

**32.—(1)** Where an employer has incurred any liability to pay compensation under this Act in respect of any accident occurring while there was in force an approved policy of insurance covering that liability, proceedings to enforce a claim in respect of that liability under sections 24, 25 and 29 may be brought against the insurer as if he were the employer. Proceedings against insurers.

(2) In any proceedings brought against an insurer by virtue of subsection (1), the employer shall render all reasonable assistance to the insurer to enable the insurer to conduct any such proceedings and to defend any claim which the insurer decides to defend; and if the employer fails to do so he shall be liable to pay to the insurer any amount which has been paid or may become payable by the insurer as a result of those proceedings.

**33.—(1)** Nothing in this Act shall be deemed to confer any right to compensation on a workman in respect of any injury if he has instituted an action for damages in respect of that injury in any court against his employer or if he has recovered damages in respect of that injury in any court from his employer, and no action for damages shall be maintainable in any court by a workman against his employer in respect of any injury — Limitation of workman's right of action.

- (a) if he has applied to the Commissioner for compensation under the provisions of this Act; or
- (b) if he has recovered damages in respect of the injury in any court from any other person.

(2) If an action is brought within the time specified in section 11 in any court to recover damages independently of this Act for injury caused by any accident and it is determined in the action or on appeal that the injury is one

for which the employer is not liable but that he would have been liable to pay compensation under the provisions of this Act, the action shall be dismissed; but the court shall, if the workman so chooses, proceed to assess the compensation and may deduct therefrom all or any part of the costs which, in its judgment, have been caused by the workman instituting the action instead of proceeding under this Act.

(3) In any proceedings under subsection (2) when the court assesses the compensation, it shall give a certificate of the compensation it has awarded and the direction it has given, if any, as to the deduction of costs and such certificate shall have the same effect as a judgment of the court.

Reciprocal arrangements for payment of workmen's compensation.

**34.** Where an arrangement has been made between the Government and the government of any other state whereby sums awarded under the law relating to workmen's compensation in Singapore to persons resident or becoming resident in the territory administered by any such government, and sums awarded under the law relating to workmen's compensation in any such territory to persons resident or becoming resident in Singapore, may at the request of the authority by which the award is made be transferred to and administered by a competent authority in any such territory or by the Commissioner in Singapore, as the case may be, money in the hands of the Commissioner shall be transferred, and money received by him shall be administered, in such manner as may be prescribed.

Regulations.

**35.—(1)** The Minister may make regulations for carrying out the purposes and provisions of this Act.

(2) In particular, and without prejudice to the generality of subsection (1), such regulations may —

- (a) prescribe the limitations subject to which officers appointed to exercise powers and perform duties conferred and imposed on the Commissioner may exercise and perform such powers and duties;
- (b) prescribe the intervals at which and conditions subject to which a workman may be required to submit himself for examination by a medical practitioner under this Act;
- (c) prescribe the manner in which money held for the benefit of dependants of a deceased workman may be invested;

- (d) prescribe the procedure in respect of any proceedings or matter under this Act;
- (e) prescribe forms and fees;
- (f) provide for the transfer outside Singapore of money in the hands of the Commissioner or for the receipt and administration by the Commissioner of any money from outside Singapore applicable for the benefit of any person;
- (g) provide for the establishment, maintenance and application of the Workers' Fund;
- (h) provide for the representation in proceedings before the Commissioner of parties who are subject to legal disability or are unable for other reasons to appear personally;
- (i) prescribe the procedure to be followed when a medical practitioner who has examined a workman certifies that treatment in an approved hospital is necessary under section 14 and the procedure for the payment of hospital fees and the cost of artificial limbs and surgical appliances;
- (j) provide for the establishment of medical boards and panels to determine matters relating to medical evidence; and
- (k) provide for the prohibition of conditions and exceptions in policies of insurance issued or renewed for the purposes of section 23, and for certificates of insurance to be issued and displayed.

**36.** The Minister may, by order published in the *Gazette*, amend the Second Schedule.

Power to amend Second Schedule.

**37.** Nothing in this Act shall apply with respect to claims for compensation or other rights, obligations or liabilities in respect of accidents happening before the date of commencement of this Act; and, without limiting the provisions of the Interpretation Act, the Workmen's Compensation Act repealed by this Act shall continue to apply to such claims, rights, obligations or liabilities as if it had not been repealed by this Act.

Transitional provision.

Cap. 1.  
1970 Ed.  
Cap. 130.

## FIRST SCHEDULE

Section 2.

## INJURIES DEEMED TO RESULT IN PERMANENT INCAPACITY

<i>Item</i>	<i>Injury</i>	<i>Percentage of loss of earning capacity</i>
1.	Loss of two limbs	100
2.	Loss of both hands or of all fingers and both thumbs	100
3.	Loss of both feet	100
4.	Total loss of sight, including the loss of sight to such extent as to render the claimant unable to perform any work for which eyesight is essential	100
5.	Total paralysis	100
6.	Injuries resulting in being permanently bedridden	100
7.	Any other injury causing permanent total incapacity	100
8.	Loss of arm at shoulder	75
9.	Loss of arm between elbow and shoulder	75
10.	Loss of arm at elbow	75
11.	Loss of arm between wrist and elbow	70
12.	Loss of hand at wrist	70
13.	Loss of 4 fingers and thumb of one hand	70
14.	Loss of 4 fingers	60
15.	Loss of thumb —	
	(a) both phalanges	50
	(b) one phalanx	30
16.	Loss of index finger —	
	(a) 3 phalanges	35
	(b) two phalanges	25
	(c) one phalanx	20
17.	Loss of middle finger —	
	(a) 3 phalanges	25
	(b) two phalanges	20
	(c) one phalanx	15
18.	Loss of ring finger —	
	(a) 3 phalanges	20
	(b) two phalanges	15
	(c) one phalanx	10

FIRST SCHEDULE — *continued*

<i>Item</i>	<i>Injury</i>	<i>Percentage of loss of earning capacity</i>
19.	Loss of little finger —	
	(a) 3 phalanges	20
	(b) two phalanges	15
	(c) one phalanx	10
20.	Loss of metacarpals —	
	(a) first or second (additional)	20
	(b) third, fourth or fifth (additional)	15
21.	Loss of leg —	
	(a) at or above knee	75
	(b) below knee	65
22.	Loss of foot	55
23.	Loss of toes —	
	(a) all of one foot	35
	(b) great, both phalanges	20
	(c) great, one phalanx	10
	(d) other than great, if more than one toe lost, each	10
24.	Loss of sight of one eye	50
25.	Loss of hearing, one ear	30
26.	Total loss of hearing	60

*Note:*

- (1) Total permanent loss of the use of a member shall be treated as loss of that member.
- (2) Where there is loss of two or more parts of the hand, the percentage shall not be more than the loss of the whole hand.
- (3) Loss of remaining arm, leg or eye if one has already been lost, shall be the difference between the compensation for the total incapacity, and compensation already paid or that which would have been paid for the previous loss of limb or eye.

## SECOND SCHEDULE

Section 4.

S 336/86.

## OCCUPATIONAL DISEASES

*Description of Occupational  
Disease or Injury**Nature of Occupation*

- |   |  |
|---|--|
| 1. Anthrax  | Any occupation involving the handling of wool, hair, bristles, hides or skins or other animal products or residues, or contact with animals infected with anthrax.   |
| 2. Asbestosis   | Any occupation involving exposure to asbestos dust.  |
| 3. Barotrauma   | Any occupation involving subjection to compressed air.   |
| 4. Byssinosis   | Any occupation involving exposure to raw cotton dust.  |
| 5. Cataract produced by exposure to the glare of, or rays from, molten glass or molten or red-hot metal   | Any process involving frequent or prolonged exposure to the glare of, or rays from, molten glass or molten or red-hot metal.   |
| 6. Chrome Ulceration  | Any process involving the use or handling of chromic acid, chromates or bichromates or any preparation or solution containing any of these substances.   |
| 7. Compressed Air Illness or its sequelae   | Any occupation involving subjection to compressed air.   |
| 8.—(a) Epitheliomatous cancer or ulceration of the skin<br>(b) Localised new growth of the skin, papillomatous or keratotic<br>(c) Ulceration of the corneal surface of the eye | Any occupation involving the use or handling of, or exposure to tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product, or residue of any of these substances.   |
| 9. Glanders   | Any occupation involving contact with equine animals or their carcasses.   |
| 10. Industrial Dermatitis   | Any occupation or process involving the exposure to or contact with cutaneous irritants or sensitisers such as alkalis and acids, solvents, mineral oils, synthetic and natural resins, certain woods, formaldehyde, nickel salts, chromates and bichromates, mercury compounds, chlorinated naphthalenes, rubber accelerators, fibre-glass and other chemicals. |

SECOND SCHEDULE — *continued.*

<i>Description of occupational disease or injury</i>	<i>Nature of occupation</i>
11. Inflammation of tendons of the hand or forearm or of the associated tendon sheaths	Any process involving manual labour, or frequent or repeated movements of the hand or wrist.
12. Inflammation, ulceration or malignant disease of the skin or subcutaneous tissues or of the bones, or leukaemia, or anaemia of the aplastic type	Any process involving exposure to x-rays, ionising particles, radium, or other radio-active substances or other forms of radiant energy.
13. Leptospirosis or its sequelae	Any occupation involving contact with a source or sources of leptospiral infections e.g. abattoir, drainage and sewerage work, refuse collection, road sweeping and work with animals.
14. Liver Angiosarcoma	Any occupation involving the use or handling of, or exposure to, vinyl chloride monomer.
15. Mesothelioma	Any occupation involving the use or handling of, or exposure to, asbestos.
16. Noise-Induced Deafness	Any occupation involving prolonged exposure to a high level of noise.
17. Occupational Asthma	Any occupation involving the use of or handling of or exposure to a chemical or other agent which may irritate or sensitise the respiratory system, e.g. isocyanates, rosin, formaldehyde, proteolytic enzymes.
18. Poisoning by:	Any occupation or process involving:
(a) Arsenic	— the use or handling of, or exposure to the fumes, dust or vapour of, arsenic or a compound of arsenic, or a substance containing arsenic or exposure to any solution containing arsenic or compound of arsenic;
(b) Benzene or a homologue	— the use or handling of, or exposure to the fumes of, or vapour containing benzene or any of its homologues;

SECOND SCHEDULE — *continued.*

<i>Description of occupational disease or injury</i>	<i>Nature of occupation</i>
(c) Cadmium	— the use or handling of, or exposure to the fumes, or dust of cadmium or its compounds;
(d) Carbon disulphide	— the use or handling of, or exposure to the fumes or vapour of, carbon disulphide or a compound of carbon disulphide, or a substance containing carbon disulphide;
(e) Carbon dioxide gas	— the exposure to carbon dioxide, e.g. in the manufacture of mineral water, fermentation in breweries or other processes;
(f) Carbon monoxide gas	— the exposure to carbon monoxide, e.g. where blast furnaces and internal combustion engines are used;
(g) Cyanide	— the use or handling of, or exposure to the fumes, dust or vapour of, cyanide or compound of cyanide, or a substance containing cyanide;
(h) Halogen derivatives of hydrocarbons of the aliphatic series	— the production, liberation or use of halogen derivatives of hydrocarbons of the aliphatic series;
(i) Lead	— the use or handling of, or exposure to the fumes, dust or vapour of, lead or compound of lead, or a substance containing lead;
(j) Manganese	— the use or handling of manganese or substance containing manganese;
(k) Mercury	— the use or handling of, or exposure to the fumes, dust or vapour of, mercury or a compound of mercury, or a substance containing mercury;
(l) Nitrous fumes	— the use or handling of nitric acid or exposure to nitrous fumes;
(m) Organophosphates	— the production, use or handling of organophosphates;

SECOND SCHEDULE — *continued.*

<i>Description of occupational disease or injury</i>	<i>Nature of occupation</i>
(n) Phosphorus	— the use or handling of, or exposure to the fumes, dust or vapour of, phosphorus or a compound of phosphorus, or a substance containing phosphorus;
19. Silicosis	Any occupation involving exposure to silica dust, e.g., in granite quarries, foundries with sand moulds.
20. Toxic hepatitis	Any process involving the use or handling of, or exposure to, tetrachloroethane, nitro-derivatives or amino-derivatives of benzene, vinyl chloride monomer, or other poisonous substances.
21. Tuberculosis	Any occupation involving close and frequent contact with a source or sources of tuberculosis infection by reason of employment — <ul style="list-style-type: none"> <li>(a) in the medical treatment or nursing of a person or persons suffering from tuberculosis, or in a service ancillary to such treatment or nursing;</li> <li>(b) in attendance upon a person or persons suffering from tuberculosis, where the need for such attendance arises by reason of physical or mental infirmity;</li> <li>(c) as a research worker engaged in research in connection with tuberculosis;</li> <li>(d) as a laboratory worker, pathologist or post-mortem worker, where the occupation involves working with material which is a source of tuberculosis infection, or in any occupation ancillary to such employment.</li> </ul>

## THIRD SCHEDULE

Section 7.  
34/80.

## AMOUNT OF COMPENSATION

1.—(1) Where death results from the injury the amount of compensation payable shall be a lump sum which shall be obtained by multiplying the monthly earnings of the deceased workman by the appropriate factor in the second column of the following Table according to the age on the next birthday of the deceased workman at the time of the accident as specified in the first column thereof:

TABLE

<i>First column</i>	<i>Second column</i>
Age	Multiplying factor
40 and below	108
41	107
42	106
43	105
44	104
45	103
46	102
47	101
48	100
49	98
50	96
51	94
52	92
53	90
54	88
55	86
56	84
57	82
58	80
59	78
60	75
61	72
62	68
63	63
64	58
65	53
66 and above	48.

(2) The compensation payable under this paragraph shall in no case exceed \$45,000 or be less than \$15,000.

2.—(1) Where permanent total incapacity results from the injury the amount of compensation shall be a lump sum which shall be obtained by multiplying the monthly earnings of the workman by the appropriate factor in the second column of the following Table according to the age on the next birthday of the workman at the time of the accident as specified in the first column thereof:

THIRD SCHEDULE — *continued*

TABLE

<i>First column</i>	<i>Second column</i>
Age	Multiplying factor
40 and below	144
41	142
42	140
43	138
44	136
45	134
46	132
47	130
48	128
49	126
50	124
51	122
52	120
53	118
54	116
55	114
56	111
57	108
58	105
59	102
60	99
61	96
62	92
63	87
64	82
65	77
66 and above	72.

(2) The compensation payable under this paragraph shall in no case exceed \$60,000 or be less than \$20,000.

(3) Where the injured workman is unable to perform the essential actions of life without the constant attention of another person, additional compensation shall be paid amounting to one quarter of the amount which is otherwise payable under this paragraph.

3.—(1) Where permanent partial incapacity results from the injury, the amount of compensation shall be —

- (a) in the case of an injury specified in the First Schedule, such percentage of the compensation which would have been payable in the case of permanent total incapacity as is specified therein as being the percentage of the loss of earning capacity caused by that injury; and
- (b) in the case of an injury not specified in the First Schedule, such percentage of the compensation which would have been payable in the case of permanent total incapacity as

THIRD SCHEDULE — *continued*

is proportionate to the loss of earning capacity permanently caused by the injury in every employment which the workman was capable of undertaking at that time.

(2) Where more injuries than one are caused by the same accident the amount of compensation payable in respect of all such injuries shall be aggregated but not so as to exceed in any case the amount which would have been payable in respect of permanent total incapacity.

4.—(1) Where temporary incapacity whether total or partial results from the injury, the workman shall be entitled to full wages for a period of 60 days if he is hospitalised and 14 days if he is not hospitalised and thereafter half-monthly during the incapacity or during a period of 5 years, whichever period is shorter, to a payment of \$195 or an amount equal to one-third of his monthly earnings, whichever is the less.

(2) Where permanent incapacity follows a period not exceeding 6 months of total or partial temporary incapacity there shall not be deducted from the lump sum payable in respect of such permanent incapacity any half-monthly payments or allowance to which the injured workman is entitled and which he has received from his employer by way of compensation.

(3) Where permanent incapacity follows a period exceeding 6 months of total or partial incapacity there shall be deducted from the lump sum payable in respect of such permanent incapacity any half-monthly payment or allowance to which the injured workman is entitled and which he has received from his employer by way of compensation in respect of any period in excess of 6 months.

(4) No half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly earnings of the workman before the accident exceeds half the monthly amount which he is earning or is in the opinion of the Commissioner able to earn in some suitable employment or business after the accident.

(5) Where the incapacity ceases before the date on which any half-monthly payment falls due, there shall be payable in respect of that half-month an amount proportionate to the duration of the incapacity during that half-month.

(6) For the purpose of this paragraph, where a workman is certified by a medical practitioner of an approved hospital to be ill enough to need to be hospitalised but the workman is not hospitalised for any reason whatsoever, he shall be deemed to be hospitalised.

5\*. Paragraphs 1, 2 (1), 2 (2) and 4 (6) shall not apply with respect to claims for compensation in respect of accidents happening before 2nd January 1981 and all such claims shall be determined in accordance with the provisions of this Schedule in force immediately before that date.

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\*This paragraph was formerly section 9 of Act 34 of 1980.