

Timely Notifications of Occupational Injuries Protect both Employers and Employees

Points to note for Employers

According to Section 15 of the Employees' Compensation Ordinance (ECO), an employer must notify the Commissioner for Labour of any work accident or prescribed occupational disease of his employee in the following manners, **irrespective of whether the accident or occupational disease gives rise to any liability to pay compensation:**

	Resulting in	Notice Period	Notification Form
Work Injury	Incapacity for a period not exceeding 3 days	Within 14 days	Form 2B
	Incapacity for a period exceeding 3 days	Within 14 days	Form 2
	Death	Within 7 days	
Occupational Disease	Incapacity	Within 14 days	Form 2A
	Death	Within 7 days	

Employers should pay attention to the following:

- ✧ If an employer is not aware of the happening of the incident within the respective periods, he must notify the Commissioner for Labour within 7 or 14 days, as the case may be, after the incident came to his knowledge.
- ✧ Even if an employer has doubt about the injury reported by his employee and is investigating the case or seeking advice from his employees' compensation insurer, the employer is still required to notify the Commissioner for Labour of the injury within the statutory time limits.
- ✧ If the employer is in doubt about the cause of an employee's injury or sick leave, he may conduct preliminary investigation, including interviewing the injured employee to obtain details of the accident, inquiring of the witnesses about the circumstances, assessing the possibility of the work environment leading to the accident, and requesting the attending registered medical practitioner, registered Chinese medicine practitioner^(Note 1) or registered dentist of the injured employee to provide a medical report for reference. On the other hand, the employer can contact the insurer for appropriate follow-up action,

(Note 1) The medical treatment and medical examination given by registered Chinese medicine practitioners only apply to the work injuries caused by accidents happening or prescribed occupational diseases contracted on or after 1 September 2008.

such as arranging a medical examination to be conducted by a registered medical practitioner, registered Chinese medicine practitioner^(Note 1) or registered dentist named by the employer for the injured employee. The employer may also seek professional legal advice. On encountering a suspected fraudulent case, an employer may consider forwarding the evidence collected and other relevant information to the Police for action. If the employer is still in doubt about the work injury case, he may pass his views and the relevant information to the Labour Department. The Labour Department will give its views to both parties on the likelihood of the case being a work injury from the medical point of view and according to the provisions of the ECO.

- ✧ Please take note that the Labour Department does not have the authority to make adjudication on any dispute of the case. If the employer and the employee could not reach any settlement with the assistance of the Labour Department, the case shall be determined by the Court.
- ✧ If an employer has not yet obtained all the required information for completing the notification form, the employer is still obliged to fill in the form on the basis of available information. The employer could provide supplementary information to the Labour Department after submitting the form.

Any employer who, without reasonable excuse, fails to give notice of an accident or makes or furnishes any false or misleading statement to the Commissioner for Labour commits an offence and is liable to a maximum fine of HK\$50,000.

Points to note for Principal Contractors

Section 24 of the ECO provides that where an employee of a sub-contractor is injured at work, the principal contractor shall be liable for any claim of compensation made by the injured employee. The principal contractor may, however, take action to recover from the sub-contractor any payment which he is required to make. The employee could recover his entitled compensation from the principal contractor or his employer (sub-contractor).

The principal contractor or sub-contractor should also report the occupational injury of the sub-contractor's employee to the Commissioner for Labour within the statutory time limits, such that the compensation claim could be processed accordingly.

(Note 1) The medical examination to be conducted by a registered Chinese medicine practitioner named by the employer under Section 16 of the Employees' Compensation Ordinance only applies to the work injuries caused by accidents happening or prescribed occupational diseases contracted on or after 1 September 2008.

Notification to Insurer

To safeguard their own interests, the employer or principal contractor should notify their insurer of the work injury in accordance with the provisions of their employees' compensation insurance policy.

Points to note for Employees

An employee who sustains a work injury or contracts a prescribed occupational disease under the ECO should promptly take the following actions, which serve to expedite the processing of his compensation claim and avoid unnecessary dispute caused by delay:

- ✧ To notify the employer or supervisor of the injury immediately, with accurate and sufficient details, including the date, time and place of the accident and other relevant information. To avoid dispute, such information should be provided in writing as far as practicable.
- ✧ To seek treatment or medical examination by registered medical practitioners, registered Chinese medicine practitioners^(Note) or registered dentist at hospitals or clinics as soon as possible. Consultation documents, such as consultation card or receipt, should be retained for evidence purpose.
- ✧ To forward the original copy of sick leave certificates to the employer as soon as possible and keep a photocopy. This practice could facilitate the employer in effecting work injury sick leave payments on time.
- ✧ To undergo sick leave clearance procedures conducted by the Occupational Medicine Unit of the Labour Department, or attend medical assessment at hospitals as arranged by the Labour Department. Sick leave clearance procedures refer to the vetting and recording of injured employees' sick leave certificates by staff of the Occupational Medicine Unit and their referral of injured employees to receive medical assessment if required.

An employee who suspects that his employer has not reported his work injury or occupational disease could enquire with the following branch offices of the Employees' Compensation Division of the Labour Department and fill in a "notification of accident" if necessary. The Employees' Compensation Division would immediately follow up the case and provide assistance to the employee.

(Note) The medical functions of registered Chinese medicine practitioners under Section 16 of the Employees' Compensation Ordinance only apply to the work injuries caused by accidents happening or prescribed occupational diseases contracted on or after 1 September 2008.

Branch Office of the Employees' Compensation Division, Labour Department [Place of Accident (Form 2, 2B) / Place of Employment (Form 2A)]	Address
Hong Kong Offices (cases in Hong Kong Island, outlying Islands and outside Hong Kong)	Rm 1605, 16/F, Southorn Centre, 130 Hennessy Road, Hong Kong
Kowloon Offices (cases in Kowloon, Sai Kung and cases involving seamen and government employees)	Rm 1007, 10/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon
Tsuen Wan & Kwai Chung Offices (cases in Kwai Chung, Tsing Yi, Tsuen Wan, Tuen Mun and Yuen Long)	6/F, Tsuen Wan Government Offices, 38 Sai Lau Kok Road, Tsuen Wan, New Territories
Shatin Office (cases in Shatin, Taiipo, Fanling and Northern District)	Rm 239, 2/F, Shatin Government Offices, 1 Sheung Wo Che Road, Shatin, New Territories
Fatal Cases Office	Rm 601, 6/F, Harbour Building, 38 Pier Road, Central, Hong Kong

The notification forms (Form 2/2A/2B) and the above “notification of accident” could be obtained from the branch offices of the Employees’ Compensation Divisions of the Labour Department or downloaded from the Department’s homepage

Enquiry : 2717 1771 (this hotline is handled by “the Integrated Call Centre”)

Labour Department’s Homepage Address : <http://www.labour.gov.hk>

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