

# General procedures for recovering employees' compensation (EC) under the Employees' Compensation Ordinance and / or damages at common law

## Claiming against the employer at court

An injured employee / family member(s) of a deceased employee commences proceedings at the court to claim EC and / or damages against the employer. *Note*

The employer is adjudged by the court to be liable to pay an amount of EC and / or damages.

The employer pays the awarded sum or has a valid EC insurance policy to cover his liabilities ?

Yes

Case settled

No

## Applying to the Employees Compensation Assistance Fund Board (the Board) for payments from the Fund

The injured employee / family member(s) of the deceased employee enforces the court order against the employer but is unable to recover the awarded sum.

A bankruptcy / winding up order is issued by the court against the defaulting employer.

(Processing of application by the Board)

The injured employee / family member(s) of the deceased employee submits application to the Board.

The Board verifies the application and informs the applicant of the result in writing.

The Board arranges payment if the application is approved.

*Note :The injured employee / family member(s) of the deceased employee must serve a notice of the proceedings on the Board in writing within 30 days after the date on which an employees' compensation application or a writ is filed with the court so that the Board may carry out the necessary inquiries and as the case may require, apply to the court to be joined as a party to the proceedings at the early stage in order to protect the interest of the Fund. Separate notices are required in respect of the EC proceedings and the damages proceedings. A person who fails to serve the required notice on the Board within the statutory 30-day period will not be entitled to any payment from the Fund.*