

Points to Note for Employees Injured at Work



Labour Department
Employees' Compensation Division

***Employees should always
bring this handbook with them***

I. Introduction

If an employee sustains a work injury, he should notify the employer immediately to facilitate his employer to report the work accident to the Commissioner for Labour in accordance with the Employees' Compensation Ordinance (ECO). This handbook outlines the points to note and the necessary actions to be taken by the employee injured at work. It also provides a list of frequently used telephone numbers and addresses, general information on how a work injury case is processed. Employees are advised to refer to the Concise Guide to the ECO for details of the relevant provisions.

For enquiries, please contact the Labour Department via:



Website: <http://www.labour.gov.hk>



Enquiry hotline: 2717 1771
(the hotline is handled by the "1823")



Enquiry in person to the offices of the Employees' Compensation Division of the Labour Department (work injury cases are handled by different offices according to the place of accident)

Branch Office	Address of Offices
Employees' Compensation Division Operations – Team A • cases on Hong Kong Island, outlying Islands and outside Hong Kong	Room 1605, 16/F, Southorn Centre, 130 Hennessy Road, Wanchai, Hong Kong
Employees' Compensation Division Operations – Team B • cases in Kowloon East and Kowloon West	Room 1007, 10/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon
Employees' Compensation Division Operations – Team C • 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
Employees' Compensation Division Operations – Team D • cases in Tseung Kwan O, Sai Kung, and cases involving government employees and seamen • cases in Shatin, TaiPo, Fanling and North District	Room 05-06, 23F, KOLOUR* Tsuen Wan I, 68 Chung On street, Tsuen Wan, New Territories
Fatal Cases Office	Room 239, 2/F, Shatin Government Offices, 1 Sheung Wo Che Road, Shatin, New Territories
Office Hours	Room 601, 6/F, Harbour Building, 38 Pier Road, Central District, Hong Kong
	Mon-Fri 9:00 a.m. to 1:00 p.m. 2:00 p.m. to 6:15 p.m.

II. Necessary actions employees should take after work accident

1. **Notify your employer/ supervisor/ human resources department** of the work injury immediately regardless of whether your injury is serious or not. Inform co-workers so that they can assist in supporting the injury case in future. If the circumstance is safe, remain at the scene until co-workers or witnesses arrive so as to avoid any dispute on the work injury (e.g. whether there has been a work injury or the injured parts etc.).
2. If necessary, call an ambulance/ the Police and seek treatment in the Accident and Emergency Department.
3. Receive medical examination or treatment as soon as possible. **Remember to state clearly to the attending medical staff the cause and course of the injury** so that they can make proper diagnosis and offer appropriate treatment.
4. Apart from a verbal notice, inform the employer/ supervisor/ human resources department formally in writing as soon as possible, provide accurate and comprehensive information about the accident including date, time, location, eyewitnesses, nature of injury and other details.
5. Make sure that the employer/ supervisor/ human resources department receives the written notice and remind the employer to report the work accident to the Labour Department within the specified time.
6. Keep a record of employment information, such as the documentary proof of the employer - employee relationship, the names and addresses of the immediate employer and the principal contractor, attendance records and payment records, etc.
7. Submit to the employer originals of sick leave certificates and receipts for medical expenses in relation to medical consultation and follow-up treatment as soon as possible. Remember to keep copies.
8. Approach the Occupational Medicine Unit of the Labour Department as arranged for medical clearance and attend medical assessment where necessary.
9. Follow the instructions of medical practitioners to recuperate and rest during sick leave so as to speed up recovery and to make it easier to accommodate on return-to-work.
10. If in need of counselling service or financial assistance, contact the relevant organisations or professionals. A list of some service providers is provided in Part VII of this booklet for reference.

Important Advice: The employee should identify the name, address and contact telephone number of the employer by the commencement of employment and notify the employer/ supervisor/ human resources department immediately in case of a work injury. This can avoid future disputes and any unnecessary delay in processing his work injury case.

III. Important information employees must take note of

1. The employer must notify the Labour Department of any work injury case within 14 days of the work accident. If the employee has doubt as to whether his employer has reported his case within the specified time, he should check with his employer or contact the Employees' Compensation Division of the Labour Department as soon as possible.
2. If an employee works for another employer during his absence from duty related to a work injury, the effectiveness of the medical treatment would very likely be affected and unnecessary disputes would arise. **The employee should think twice before doing so.**
3. If an employer fails to make periodical payment on schedule, the employee should make enquiry to the employer for the reason or contact the Employees' Compensation Division of the Labour Department as soon as possible.
4. If an employee who is in receipt of periodical payment fails to submit himself to a free medical examination by a registered medical practitioner, a registered Chinese Medicine practitioner or a registered dentist designated by the employer, his entitlement to work injury compensation would be suspended.
5. An application to the Court for work injury compensation has to be made within 24 months from the date of injury. As it takes time to go through the legal procedures, if a case cannot be settled by the end of the **18th month** from the date of accident, the employee should contact the Employees' Compensation Division of the Labour Department as soon as possible.
6. If an employee suspects his employer has not taken out an employees' compensation insurance policy, he should report to the Labour Department at 2815 2200.
7. If approached by recovery agents peddling claims recovery service, an injured employee should not disclose to them any personal particulars, discuss with them his injury case or sign any document, so as to avoid his personal information being abused or he may face unanticipated legal consequences and financial liabilities. The Department of Justice holds that the activities of recovery agents may constitute offences of champerty and maintenance, and the interests of the victims of personal injury cases may be jeopardized as their rights to compensation may not be fully protected. Recovery agents may draw up agreements with victims in work or traffic accident requiring the latter to share a substantial portion of the compensation recovered. **Under the laws of Hong Kong, unlawfully maintaining or sharing the benefits of legal proceedings may constitute criminal offences, which are subject to a fine and up to seven years' imprisonment on conviction.** The injured employee should be beware of these touting activities and, if necessary, seek proper legal advice, or assistance from solicitors or government departments such as the Legal Aid Department, the Labour Department and the Social Welfare Department. **Anyone who feels being harassed should contact the Police immediately for assistance.**

IV. Procedures on handling work injury case

(i) Normal cases (cases with no dispute)

Sick leave not more than 3 days and no permanent incapacity

The employer should make payment for temporary incapacity (i.e. periodical payment for the sick leave required) on the same days as wages would have been payable to the employee. The employer should also pay the medical expenses concerned so as to settle the case.

Sick leave over 3 days but not more than 7 days and no permanent incapacity

The employer may directly agree with the employee as to the compensation payable under the Ordinance and make such payment on or before the day which wages would have been payable to the employee. The employer should also pay the medical expenses concerned and include relevant details in Part H of the "Notification of Accident" (Form 2).

Others

For other work injury cases that the employer has reported the case and admitted the employees' compensation liability, the Labour Department will issue a notification letter to the injured employee. The employee should approach the Occupational Medicine Unit for follow up of his medical condition according to the "Medical Clearance Notification". If it is likely that permanent incapacity may result from the injury, medical assessment will be arranged. Upon completion of the medical clearance/ medical assessment, where appropriate, the Labour Department will issue to the employer and the employee a Certificate of Compensation Assessment (i.e. Form 5) stating the amount of compensation payable under the Ordinance. The employer should pay the employee within 21 days from the date of issue of the certificate the amount of compensation, or any outstanding amount, stated in the certificate. The employer should also pay the medical expenses concerned.

(ii) Doubtful cases/ cases in dispute

The Employees' Compensation Division (ECD) of the Labour Department assists employer and employee in resolving disputes. If the employer is still in doubt about the work injury case after internal investigation, he may pass the relevant information to ECD for advice.

However, according to the Employees' Compensation Ordinance (ECO), 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 Department, the case shall be determined by the Court.

In handling cases with doubt/ in dispute, ECD will normally collect further information, e.g., details of the accident, copy of medical certificates arising from the accident etc, from the injured employees. Depending on the merits of each case, the Department may, with the written consent of the employees, request for information such as medical reports, police investigation reports from relevant departments or organisations. If necessary, the professional opinion of Occupational Health Officer of the Department will also be consulted. The Department will give its views to both parties on the likelihood of the case being a work injury from the medical point of view.

Please note that handling of cases with doubt/ in dispute takes time. For instance, it takes around two to three months to obtain a medical report. As for police report, it depends on the development and evidence collection of individual cases. Further acquisition of supplementary information may also be required for some cases. The Labour Department will give its views to both parties upon completion of investigation. Should the employee wish to know the investigation progress, he may approach the handling office of ECD for details. According to section 14(1) of ECO, any unsettled employees' compensation claim must be determined by the Court. The application should be made within 24 months from the date of accident; otherwise, the Court may refuse to accept the application. As such, the injured employee should seek legal advice and assistance to file the claim at Court when necessary.

V. Frequently used telephone numbers and addresses (1)

Medical Clearance Appointment Booking Service
Website: http://www.ecd.labour.gov.hk Telephone appointment: 2114 3300
Kwun Tong Occupation Health Clinic
Telephone appointment: 2343 7133 Address: G/F, Kwun Tong Community Health Centre Building (KTCHCB), 60 Hip Wo Street, Kwun Tong, Kowloon
Fanling Occupational Health Clinic
Telephone appointment: 3543 5701 Address: 7/F, Fanling Health Centre, 2 Pik Fung Road, Fanling, New Territories
Occupational Safety and Health Advisory
Telephone: 2559 2297
Occupational Safety and Health Compliant Hotline
Telephone: 2542 2172
Complaint Hotline on Employers Failing to Take Out Employees' Compensation Insurances
Telephone: 2815 2200

VI. Frequently used telephone numbers and addresses (2)

Free Legal Advice Scheme, Home Affairs Department (by appointment)
Website: http://www.had.gov.hk Telephone: 2835 2500 (Central Telephone Enquiry Centre, Home Affairs Department)
Legal Aid Department
Website: http://www.lad.gov.hk Telephone: 2537 7677 Address: 24-27/F, Queensway Government Offices, 66 Queensway, Hong Kong
District Court
Telephone: 2845 5696 Address: Wan Chai Tower, 12 Harbour Road, Wan Chai, Hong Kong
Duty Lawyer Service
Website: http://www.dutylawyer.org.hk Telephone: 2521 3333/ 2522 8018 (provision of tape recordings in various areas of law) 2526 5969 Head Office Address: Suites 808-9, Harcourt House, 39 Gloucester Road, Wan Chai, Hong Kong
Social Welfare Department
Website: http://www.swd.gov.hk Telephone: 2343 2255 Head Office Address: 8/F, Wu Chung House, 213 Queen's Road East, Wan Chai, Hong Kong

[The above is only the contact information of some service providers for reference. The information is valid at the time of printing this booklet. For details, please make enquiries to the service providers direct.]

VII. Other useful telephone numbers

(i) Counselling

Name of Organisation	Telephone No.	Nature of Service
Social Welfare Department	2343 2255 Press 0 after selecting the language	Provides counselling services by social workers and emergency assistance
Caritas Family Crisis Support Centre	18288	Provides various kinds of support and counselling service
The Samaritans Suicide Prevention Hotline	2896 0000	Provides emergency counselling service

(ii) Financial Assistance

Name of Organisation	Telephone No.	Nature of Service
Social Welfare Department, Comprehensive Social Security Assistance Scheme	2343 2255 Press 1 after selecting the language	Provides assistance for those who cannot support themselves financially
Social Welfare Department, Traffic Accident Victims Assistance Scheme	2832 4615-6	Provides financial assistance to road traffic accident victims or their dependants in case of death
Social Welfare Department, Criminal & Law Enforcement Injuries Compensation Scheme	2892 5220	Provides financial awards to persons (or to their dependants in case of death) who are injured as a result of a crime of violence, or by a law enforcement officer using a weapon in the execution of his duty

Name of Organisation	Telephone No.	Nature of Service
Yan Chai Hospital, Yan Chai Emergency Assistance Relief Fund	8100 7711	Provides financial assistance to Hong Kong residents who suffer from accident, disaster or misfortune
The Community Chest, The Community Chest Rainbow Fund	2599 6111	Provides financial assistance to Hong Kong residents and their families who are in financial difficulty and cannot support themselves financially
Po Leung Kuk, Tang Shiu Kin Charitable Fund	2277 8332	Provides financial assistance to Hong Kong residents who suffer from sudden misfortune
Pok Oi Hospital, Emergency Relief Fund	2476 2227	Provides direct and temporary grants for families of Hong Kong residents in acute financial need due to death of breadwinner and for Hong Kong residents who get disable in an accident and require auxiliary equipments
Hong Kong Federation of Handicapped Youth, Ho Kam Yung Foundation	2338 5111	Provides temporary financial assistance to Hong Kong residents with physical disabilities and expenses relating to rehabilitation

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