

Social Contribution and Social Benefits (Industrial Injuries) Regulations 2022

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THE SOCIAL CONTRIBUTION AND SOCIAL BENEFITS ACT 2021

Regulations made by the Minister under section 39 of the Social Contribution and Social Benefits Act 2021

1. These regulations may be cited as the **Social Contribution and Social Benefits (Industrial Injuries) Regulations 2022**.

2. In these regulations –

“Act” means the Social Contribution and Social Benefits Act 2021;

“benefit” means the industrial injury benefit payable under Section B of Sub-part III of Part III of the Act;

“Government medical officer” means a medical officer appointed by the Responsible Minister;

“industrial accident” includes a disease specified in the First Schedule;

“Responsible Officer” means an officer of the Responsible Ministry.

3. For the purpose of section 25 of the Act –

- (a) where an employee suffers industrial injury, he, or any person acting on his behalf, shall, as soon as practicable, inform his employer of the injury and the circumstances of the industrial accident which has led to the injury;

- (b) the information under paragraph (a) shall be given to –
 - (i) the foreman, or such other person, under whose supervision the employee was working at the time of the industrial accident; or
 - (ii) such other person as the employer may designate for that purpose;
- (c) where a self-employed suffers industrial injury, he, or any person acting on his behalf, shall, as soon as practicable, inform the National Pensions Officer of the injury and the circumstances of the industrial accident which has led to the injury.

4. (1) Every employer shall –

- (a) keep a register in which he shall, in respect of each industrial accident, record the particulars specified in the Second Schedule;
- (b) keep the register under subparagraph (a) for not less than 3 years from the date of the last entry;
- (c) within 3 weeks of the date an employee suffers an industrial injury, furnish the Responsible Officer with the particulars specified in the Second Schedule;
- (d) at the request of the National Pensions Officer, furnish such information and produce such documents as he may require to determine whether a benefit is payable; and
- (e) ensure that such medical treatment as may be required is made available to an employee who suffers an industrial injury.

(2) A self-employed shall –

- (a) keep a register in which he shall, in respect of each industrial accident, record the particulars specified in the Second Schedule;

- (b) keep the register under subparagraph (a) for not less than 3 years from the date of the last entry;
- (c) within 3 weeks of the date he suffers an industrial injury, furnish the Responsible Officer with the particulars specified in the Second Schedule; and
- (d) furnish such information and produce such documents as the National Pensions Officer may require to determine whether a benefit is payable.

5. (1) No employee or self-employed shall be eligible to the industrial injury benefit payable under section 25 of the Act except in accordance with the provisions of this regulation.

(2) No employee or self-employed shall be eligible to an industrial injury benefit for any incapacity for work unless the incapacity is certified to the satisfaction of the National Pensions Officer by a Government medical officer, the Medical Board or a medical practitioner.

(3) (a) No industrial injury benefit shall be paid in respect of the first 14 days of incapacity for work.

(b) No industrial injury benefit shall be paid to a self-employed, unless, as certified by a Government medical officer, the period of incapacity exceeds 14 consecutive days.

(4) Subject to paragraph (5), a day of incapacity for work shall include a public holiday.

(5) (a) Where the fifteenth day of incapacity for work is a public holiday, that day shall not be a day on which an industrial injury benefit is payable unless –

- (i) the employee or self-employed normally works on that public holiday;
- or

(ii) the period of incapacity for work of the employee or self-employed includes the working day immediately following the public holiday.

(b) Where both the fifteenth and sixteenth days of incapacity for work are public holidays, those days shall not be days on which an industrial injury allowance is payable unless –

(i) the employee or self-employed normally works on either of those public holidays; or

(ii) the period of the employee's or self-employed's incapacity for work includes the working day immediately following those public holidays.

(6) (a) Subject to subparagraph (b), a day on which an employee or self-employed works shall not be a day of incapacity for work.

(b) Where the employee or self-employed becomes incapacitated for work on the day on which he sustains an industrial injury, that day shall be the first day of incapacity for work.

(7) (1) Industrial injury benefit shall be payable at the daily rate of one three hundred and sixty fifth ($1/365$) of 80 per cent of the annual earnings of the employee or self-employed.

(2) Subject to subparagraph (1), the amount payable in respect of the expenses incurred under section 25(3)(c) of the Act shall be as specified in the Fourth Schedule.

6. (1) Subject to the other provisions of this regulation, the Medical Board shall –

(a) assess the degree of disablement resulting from the relevant loss of faculty;

(b) determine whether that loss of faculty arose from the relevant accident; and

(c) indicate the period to which the assessment shall relate and subject to regulation 10(1) whether the claimant should be further medically examined by the Medical Board at the end of that period.

(2) The Medical Board shall, for the purpose of assessing the degree of disablement, consider the disablement, resulting from the relevant loss of faculty, which the employee or self-employed is expected to suffer during the period of the assessment, by comparison to a person of the same age and sex whose body and mind are normal.

(3) Where, as a result of an industrial accident, an employee or self-employed has suffered an injury –

(a) specified in the first column of the Third Schedule –

(i) subject to sub subparagraph (ii), the loss of faculty suffered by the claimant as a result of that injury shall be treated for the purpose of calculating the disablement benefit payable under section 26 of the Act as resulting in the corresponding degree of disablement specified in the second column of that Schedule; and

(ii) that injury includes any other injury so specified, the degree of disablement shall be the one specified in respect of the injury carrying the greatest degree of disablement;

(b) not specified in the Third Schedule, the degree of disablement resulting from that injury shall be assessed by having regard, as may be appropriate, to the provision of subparagraph (a);

(c) to an organ of his body which, in a person whose physical condition is normal, would be one of 2 similar organs, the functions of which would be interchangeable or complementary, in assessing the extent of the disablement resulting from the injury –

(i) any disablement in respect of the other organ to which the employee would, in any case, have been subject by reason of a congenital defect, or an injury or disease received or contracted before the industrial injury and not attributable to any other industrial injury which

entitled him to a benefit under the Act, shall nevertheless be treated as having been incurred as a result of the industrial injury;

- (ii) any disablement in respect of the other organ to which the employee would not have been subject but for some injury or disease received or contracted after the industrial injury and not attributable to that industrial injury or any other industrial injury in respect of which a benefit would be payable under the Act, shall be treated as having been incurred as a result of the first named industrial injury.

(4) Where an employee or self-employed who has been awarded a disablement benefit under section 26 of the Act suffers, as a result of another industrial accident, a loss of faculty resulting in an additional disablement, the degree of that additional disablement shall be the difference between the degree of the cumulative disablement assessed immediately after the subsequent industrial accident and the degree of the disablement assessed immediately after the preceding industrial accident.

(5) (a) Subject to subparagraphs (b) and (c), a beneficiary may apply to the National Pensions Officer for the assessment of his disablement to be reviewed on the ground that there has been an unforeseen aggravation or other change.

(b) Where an application is made under subparagraph (a), the National Pensions Officer shall refer the beneficiary to the Medical Board for assessment.

(c) No application under subparagraph (a) shall be made within 12 months of the date immediately preceding the assessment of that disability by the Medical Board or Medical Tribunal, whichever is later.

7. (1) Subject to paragraph (2), an employee or a self-employed shall be eligible for a constant personal attendance allowance only where he –

(a) is entitled to –

- (i) an industrial injury benefit; or

(ii) a disablement benefit for at least 60 per cent disablement; and

(b) requires for the performance of his normal bodily functions the constant personal attendance of another person.

(2) (a) The Medical Board shall assess whether an employee or self-employed requires the constant personal attendance of another person.

(b) The Medical Board shall, for the purpose of making an assessment under subparagraph (a), call for such medical evidence or make such medical examination as may be required.

(c) The initial period of assessment under subparagraph (a) shall not exceed 12 months.

(3) Subject to paragraph (4), the constant personal attendance allowance shall be paid

–

(a) at the monthly rate specified in Part II of the Fourth Schedule; and

(b) for the whole of the months during which the period of attendance under paragraph (2) begins or ends.

(4) The constant personal attendance allowance shall not be payable for any period before the month in which such claim was received by the Responsible Minister.

8. (1) Subject to the other provisions of this regulation, the dependent's benefit shall be at the rate specified in the Fourth Schedule.

(2) (a) Where there are 2 or more dependents, the total benefit payable in respect of all the dependents shall not exceed 40 per cent of the monthly earnings of the deceased employee or self-employed.

(b) The National Pension Officer shall award the benefit payable under subparagraph (a) in equal proportion to each of the claimants.

(3) Subject to paragraph (4), the payment of a benefit payable under this regulation shall

–

(a) commence from the beginning of the month in which the benefit becomes payable; and

(b) cease at the end of the month during which the entitlement to the benefit ceases.

(4) No benefit under this regulation shall be payable in any month to a dependent whose other income in that month exceeds the amount payable as basic retirement pension under the National Pensions Act.

(5) Where the beneficiary under this regulation is an orphan, the benefit shall cease to be paid when the beneficiary ceases to be an orphan under section 29(1) of the Act.

9. The amount payable in respect of the expenses incurred under section 27(1)d(ii) of the Act shall be as specified in Part IV of the Fourth Schedule.

10. (1) Where the National Pensions Officer is required to determine whether a benefit is properly payable, he may refer the beneficiary to the Government medical officer or the Medical Board for a medical examination.

(2) (a) Subject to the other provisions of this paragraph, where a claimant or beneficiary –

(i) fails to comply with a reasonable request to attend for medical examination; or

(ii) fails to produce such information or documents as the National Pensions Officer may require, the Government medical officer or the Medical Board; or

(iii) acts in a manner likely to delay his recovery, the National Officer may –

(A) defer further consideration of the claim;

(B) determine the claim on the information available; or

(C) withhold further payment of the benefit.

(b) No benefit shall be payable for the period during which consideration of a claim has been deferred under subparagraph (a).

(c) The National Pensions Officer shall inform, in writing, any decision taken under subparagraph (a).

(d) The claimant or beneficiary may appeal to the Appeal Tribunal in accordance with the National Pensions (Tribunal) Regulations 1979 against any decision made under subparagraph (a).

11. (1) No claim to a benefit shall be authorised, unless –

(a) the information under regulation 3 is provided; or

(b) the National Pensions Officer is satisfied that the employer had personal knowledge of the relevant industrial accident or he became aware of it at the time it occurred.

(2) (a) A claim shall be received by the Responsible Minister not later than 6 months from, where the claim is for –

- (i) the industrial injury benefit or the disablement benefit, the date on which the industrial accident occurred;
- (ii) the survivor's benefit, the orphan's benefit or the dependent's benefit, the date of the death of the employee or self-employed;
- (iii) an allowance under section 27(1) of the Act, the date on which the expenses are incurred.

(b) Subject to subparagraph (c), the National Pensions Officer shall not consider a claim for a benefit received by the Responsible Minister after the expiry of the delay specified in subparagraph (a).

(c) Where he is satisfied there is good cause for the delay, the National Pensions Officer may extend the delay specified in subparagraph (a).

(3) Nothing in these regulations shall prejudice any right that an employer may have to require an employee to be medically examined by a medical practitioner engaged by the employer to determine the extent of any incapacity for work.

12. When there has been a change in the circumstances of a claim which may affect the beneficiary's entitlement thereto, the beneficiary shall notify the Responsible Minister in writing of such change not later than 14 days from its occurrence.

13. No benefit shall be payable –

- (a) for any period during which the beneficiary is outside Mauritius otherwise than for medical treatment in connection with the industrial injury;
- (b) to a person who has ceased to be a resident of Mauritius.

14. (1) These regulations shall, other than in relation to a self-employed, be deemed to have come into operation on 1 September 2020.

(2) These regulations insofar as it relates to a self-employed shall be deemed to have come into operation on 1 September 2021.

Made by the Minister on 21 June 2022.

FIRST SCHEDULE

[Regulation 2]

COLUMN 1

COLUMN 2

Description of disease or injury poisoning by

Nature of occupation/Any occupation involving

- | | | |
|----|---|---|
| 1. | Lead or a compound of lead | The use or handling of, or exposure to the fumes, dust or vapour of, lead or a compound of lead, or a substance containing lead |
| 2. | Phosphorous, phosphine or due to organic compounds of phosphorous | The use or handling of, or exposure to the anticholinesterase action fumes, dust or vapour of, phosphorous or a compound of arsenic or a substance containing arsenic |
| 3. | Arsenic or a compound of 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 |
| 4. | Mercury or a compound of 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 |
| 5. | Carbon bisulphide | The use or handling of, or exposure to the fumes or vapour of, carbon bisulphide or a substance containing carbon bisulphide |
| 6. | Benzine or its homologues and their nitro- and amido-derivatives | The use or handling of, or exposure to the fumes of, or vapour containing |

benzene or any of its homologues, or their nitro-and amido-derivatives

- | | | |
|------------|--|--|
| 7. | Manganese or a compound of manganese | The use or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese or a substance containing manganese |
| 8. | Cadmium | Exposure to cadmium fumes |
| 9. | Beryllium or a compound of | The use or handling of, or exposure to the beryllium fumes, dust or vapour of beryllium or a compound of beryllium or a substance containing beryllium |
| 10. | Infections by leptospira icterphae-morrhagiae | Work in places which are, or are liable to be, infested by rats |
| 11. | Anthrax infection | Work in connection with animals infected with anthrax. Handling of animal carcasses or parts of such carcasses including hides, hoofs and horns. Loading and unloading or transport of merchandise |
| 12. | Toxic jaundice | The use or handling of any chemical substance having toxic effect on the liver |
| 13. | Primary neoplasm of the or epithelial lining of the ureter epithelial lining of the urinary bladder (Papilloma of the bladder) | The use or handling of - (1) Alpha naphthylamine bladder (Papilloma of the bladder) |

epithelial lining of the renal pelvis or epithelial lining of the ureter.

(2) Beta naphthylamine

(3) Diphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group

14. Tuberculosis

Close and frequent contact with a source or sources of tuberculosis infections by reason of employment –

(a) in the medical treatment or nursing of a person or persons suffering from tuberculosis, or in service ancillary to such a treatment service;

(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;

(c) as a laboratory worker, pathologist or person taking part in or assisting at post-mortem examinations of human remains where the occupation involves working with material which is a source of tuberculosis infection

- | | | |
|------------|--|---|
| 15. | Brucellosis | Any occupation involving close and frequent contacts with cattles or any other animals suffering from brucellosis |
| 16. | Occupational dermatitis | Exposure to dust, liquid or vapour or any other external agent capable of irritating the skin (including friction or heat but excluding ionising particles or electromagnetic radiations other than radiant heat) |
| 17. | Toxic anaemia | The use or handling of any chemical substance capable of affecting adversely the red blood cells component of the bone marrow |
| 18. | Heat cataract | Frequent or prolonged exposure to rays from molten or red-hot material |
| 19. | Cramp of the hand or forearm due to repetitive movements | Prolonged periods of typing or other repetitive movements of the fingers, hand or arm |
| 20. | Traumatic inflammation of the hand or forearm, or of associated tendon sheaths | Manual labour, or frequent or repeated movements of the hands or wrist |
| 21. | Diseases resulting from over-exposure to radioactive substance | Exposure to electro-magnetic radiations other than radiant heat, or due to exposure to ionising particles |
| 22. | Poisoning by pesticides or herbicides | Any occupation involving the use or handling of chemicals currently used as pesticides or herbicides |

- | | | |
|------------|--|--|
| 23. | Pulmonary disease due to inhalation of mouldy bagasse, or other mouldy vegetable produce (Bagassosis). The inhalation of drop pings of birds or fowls (Bird anciees' lung). Pulmonary disease affecting the peripheral part of the broncho-pulmonary system and giving rise to defect in gas exchange (Farmer's lungs) | <ul style="list-style-type: none"> (1) Handling of bagasse (2) Rearing of poultry |
| 24. | Adtno-careinoma of the nasal cavity or associated air sinuses | Attendance for work in or about a building where wooden furniture is manufactured |
| 25. | <ul style="list-style-type: none"> (1) Dystrophy of the cornea (including ulceration of the corneal surface) of the eye (2) Localised, new growth of the skin, due in any case to arsenic, tar, pitch, bitumen mineral oil (including, soot or any compound product (including quinone or hydroquinone), or residue of any of these substances | The use or handling of, or exposure to, arsenic, tar, pitch, bitumen, mineral oil (including paraffin) soot or any compound product (including quinone or hydroquinone) or residues of any of these substances |
| 26. | Halogen derivatives of the hydrocarbons of the aliphatic derivatives C4 of the aliphatic series | The use or handling of, or exposure to fumes or vapour containing halogen derivatives of the aliphatic series |
| 27. | Pneumoconiosis | Fibrosis of the lungs die to silica dust, asbestos dust or other dust and including the condition of the lungs known as dust reticulum. |

(1) Any occupation involving the quarrying or working of silica rock

(2) Any occupation involving work in a foundry or substantial exposure to dust arising from the freeing of metal castings from adherent siliceous substance –

(a) by blasting with an abrasive propelled mechanically; or

(b) by the use of power-driven tools

(3) Any occupation involving the working or handling of asbestos or any admixture of asbestos

(4) The cleaning of any machinery or plant, or handling or lagging in boilers or in any other process where asbestos is utilised

28. Silicosis with or without pulmonary tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death

Exposure to the risk of silicosis

SECOND SCHEDULE
[Regulation (4)]

PARTICULARS OF INDUSTRIAL ACCIDENT

Name of employer

Address

Name of employee or self-employed

.....

Address

.....

National Identity Card no.

Male* Female* Age years

Normal occupation/trade/profession**

Date of accident Time of accident

Place of accident

Date accident reported

Kind of work being performed at the time of accident

Cause and particulars of accident

Particulars of injury

Witness(es) of accident

| | NAME | NIC no. | OCCUPATION |
|-----------|-------------|----------------|-------------------|
| 1. | | | |
| 2. | | | |

Rate of Remuneration* at time of accident Rs per hour/day/
week/month**

Does period of incapacity exceed 2 weeks? Yes/No**

Number of days of incapacity (if less than 2 weeks) days

Remuneration paid or due (not exceeding 2 weeks) rupees

Earnings (for at least 2 weeks) rupees

.....
Signature of employee/self-employed**

.....
Date

Note

(1) * *Tick as appropriate.*

(2) ** *Delete as appropriate.*

THIRD SCHEDULE
[Regulation 6]

| TYPE OF INJURY SUFFERED | | DISABLEMENT (%) |
|--------------------------------|---|----------------------------|
| 1. | Loss of 2 limbs | 100 |
| 2. | Loss of both hands, or of all fingers and both thumbs | |
| 3. | Total loss of sight | |
| 4. | Total paralysis | |
| 5. | Injuries resulting in being permanently bedridden | |
| 6. | Loss of arm at shoulder | 60 |
| 7. | Loss of arm between elbow and shoulder | 50 |
| 8. | Loss of arm at elbow | 4.5 |
| 9. | Loss of arm between wrist and elbow | 45 |
| 10. | Loss of hand at wrist | 4.5 |
| 11. | Loss of 4 fingers and thumb of one hand | 4.5 |
| 12. | Loss of 4 fingers | 35 |
| 13. | Loss of thumb | |
| | (1) Both phalanges | 25 |
| | (2) One phalanx | 10 |
| 14. | Loss of index fingers- | |
| | (1) Three phalanges | 10 |
| | (2) Two phalanges | 8 |
| | (3) One phalanx | 4 |
| 15. | Loss of middle finger- | |
| | (1) Three phalanges | 6 |
| | (2) Two phalanges | 4 |
| | (3) One phalanx | 2 |
| 16. | Loss of ring finger- | |
| | (1) Three phalanges | 5 |
| | (2) Two phalanges | 4 |
| | (3) One phalanx | 2 |
| 17. | Loss of little finger- | |
| | (1) Three phalanges | 4 |

| | | |
|------------|---|--------|
| | (2) Two phalanges | 3 |
| | (3) One phalanx | 2 |
| 18. | Loss of metacarpals- | |
| | (1) First or second (additional) | 3 |
| | (2) Third, fourth or fifth (additional) | 2 |
| 19. | Loss of leg at hip | 70 |
| 20. | Loss leg between knee and hip | 40-70 |
| 21. | Loss of leg below knee | 30-4.5 |
| 22. | Loss of toes- | |
| | (1) All | 15 |
| | (2) Great, both phalanges | 5 |
| | (3) Other than great, if more than one toe lost, each | 1 |
| 23. | Eye | |
| | (1) Loss of whole eye | 30 |
| | (2) Loss of sight of | 30 |
| | (3) Loss of sight of-except perception of light | 30 |
| | (4) Loss of lens of | 20 |
| 24. | Loss of hearing | |
| | (1) Both ears | 60 |
| | (2) One ear | 7 |

Note

The total permanent loss of use of member shall be treated as loss of member.

FOURTH SCHEDULE
[Regulations 5, 7 and 9]

PART I – EXPENSES INCURRED

Rate – Rs 515

PART II – CONSTANT PERSONAL ATTENDANCE ALLOWANCE

Monthly rate – Rs 830

PART III – DEPENDENT BENEFIT

Monthly rate – Rs 830

PART IV – OTHER BENEFITS

Monthly rate – Rs 5,120
