

ACCIDENT AT WORK

A work accident is defined as that, which occurs to the worker during, or as a result of the performance of the work and which is caused by a sudden and violent event, involving incapacity for work or even death of the worker. Occupational disease is treated as an accident at work.

An accident resulting from work is considered to be that which occurs outside the place and time of work but has a close relation to it. Accidents which take place during the transit from and to work, or during a midday break from work, are primarily regarded as work accidents.

➤ Rights of the worker:

In the event of a work accident, the worker is entitled to benefits in kind and in cash from the insurance institution, regardless of the number of days of employment. In particular, the worker is entitled to:

a) Full medical and hospital care: Health and hospital care is covered by the insurance institution for insured employees. In the event of non-insurance of the employee, the cost shall be borne fully by the employer.

(b) Sickness benefit: If a worker is obliged to leave work as a result of the accident, she/he receives an unemployment subsidy from the insurance institution. In this case, the employer shall be obliged to cover the difference between the worker's salary and the subsidy by paying remuneration of 15 days if the work has lasted up to 1 year, and 1 month if it lasted more than 1 year.

➤ Compensation for non-material damage:

The worker may appeal against the employer for compensation for non-material damage a) if the accident at work was caused by lack of health and safety measures on the part of the employer or those designated by him, b) if there is failure to fulfil the welfare obligation, c) if there is a fraudulent or negligent conduct of the employer. The lawsuit should take place within 5 years after the accident or after the person who suffered ascertained the damage or the person liable for compensation.

➤ Announcement of a work accident:

In order to receive the benefits, the insurance institution must first be notified of the accident at work. Such notice is made by the employer or by the insured person and, if she/he is unable to, by any third party. The accident is announced by the employer or his representative, by the insured person and in the event of inability or death, by the beneficiaries of his insurance rights, by the doctor who was called to provide first aid and by any employee of the insurance institution who became aware of the accident due to his position. The accident may also be announced by any third party who became aware of it.

The notice must be made within five (5) days of the accident. However, the doctor and any designated party of the insurance institution must report the accident within 24 hours of becoming aware of it. If the consequences of the accident occur at a later date and it is found that their occurrence was the result of a gradual development, the time limit for the announcement of the accident shall not begin from the day on which the accident occurred, which was the cause of the disability that occurred later, but from the time when the disability actually occurred.

➤ Employer Obligations:

The employer is obliged:

(a) To inform the competent Labour Inspectorates, the nearest police authorities and the competent services of the insurance institution to which the worker belongs, within 24 hours, of all accidents at work and in the case of serious injury or death, to keep unchanged all the information which may be used to establish the causes of the accident.

(b) To keep a specific accident record showing the causes and description of the accident and make such record available to the competent authorities. The measures taken to prevent a recurrence of similar incidents shall be entered in the special record referred to in Articles 14 and 17.

(c) To keep a list of accidents at work which have resulted in the worker being unable to work more than three working days.