

Staff Injured on Duty

This document sets out matters related to sick leave and employees' compensation that schools should observe when a member of their staff whose salary is paid from the Education Bureau (EDB) subventions suffers injury by accident arising out of and in the course of employment.

Sick Leave with Full Pay

- The staff who suffers injury by accident arising out of and in the course of employment will be paid the full salary during the sick leave period granted by a registered medical practitioner, a registered Chinese medicine practitioner (on or after 1 September 2008) or a registered dentist.
- The sick leave will not count against the staff's normal sick leave entitlement and he/she will be allowed to continue contribution to the Provident Fund/Mandatory Provident Fund Scheme during the period of sick leave in the same manner as applies to any leave with full pay.

Employees' Compensation

- In addition to full wages during the period of sick leave, the staff will be entitled to compensation for permanent incapacity, if there is any permanent incapacity from the accident, as assessed by the Commissioner for Labour under the Employees' Compensation Ordinance (Cap. 282). He/she will also be entitled to reimbursement of medical expenses incurred, subject to a daily maximum as set out under the Ordinance.

Reporting of Accidents

- In accordance with Section 15 of the Employees' Compensation Ordinance (Cap. 282), an employer must notify the Commissioner for Labour of any accident or occupational disease in the following manner, irrespective of whether the accident or occupational disease gives rise to any liability to pay compensation:
 - (a) if it results in the death of an employee, the notice must be given in Form 2A (for cases of occupational disease) or Form 2 (for cases other than occupational disease), as the case may be, within 7 days;
 - (b) if it results in total or partial incapacity of an employee for a period not exceeding 3 days, the notice must be given in Form 2B within 14 days; and
 - (c) if it results in total or partial incapacity of an employee for a period exceeding 3 days, the notice must be given in Form 2A or Form 2, as the case may be, within 14 days.
- Failure to comply with the above provisions is an offence in law. The forms are available at any branch offices of the Employees' Compensation Division, Labour Department. They can also be downloaded from the website of the Labour Department (<http://www.info.gov.hk/labour>).
- The Government has taken out an employees' compensation insurance under the Block Insurance Policy for aided schools in respect of staff whose salaries are paid from the EDB subventions. It is necessary for schools:

- (a) to notify the insurance company of the accident as soon as possible in accordance with the terms and requirements as stipulated in the Block Insurance Policy; and
- (b) to claim from the insurance company a reimbursement of the total amount of compensation paid to the employee, upon receipt of the Certificate of Compensation Assessment issued by the Commissioner for Labour.

Accounting Procedures

- Both the receipt and payment to the staff concerned of compensation for permanent incapacity and medical fee and reimbursement of medical expenses, if any, should be fully reflected in the school's account. For practical purposes, schools may show the transaction in the School and Class Grant Account (in respect of staff whose salaries are paid from the Salaries Grant), or the Administration Grant Account (in respect of staff whose salaries are paid from the Administration Grant), or other Grant Accounts concerned (in respect of staff whose salaries are paid from the Grant concerned such as Capacity Enhancement Grant or Supplementary Grant for School-based Management).
- On receipt of reimbursement from the insurance company:
 - (a) the school should credit the amount of compensation for permanent incapacity and medical fee, if any, to the School and Class Grant Account/the Administration Grant Account/the Grant Account concerned as appropriate;
 - (b) the school should credit the periodical payment, which is the salary for the sick leave, to the Salaries Grant Account/the Administration Grant Account/the Grant Account concerned as appropriate;
 - (c) in respect of staff whose salaries are paid from the Salaries Grant, the school should refund to the Government the appropriate amount of the periodical payment within 30 days. Cheques for refund should be made payable to the "Government of the Hong Kong Special Administrative Region" and sent to the Funds Section (for teaching staff) or the Recurrent Subventions Section (for non-teaching staff) of the EDB, together with a copy of the Certificate of Compensation Assessment issued by the Commissioner for Labour; and
 - (d) in respect of staff whose salaries are paid from Grants other than the Salaries Grant, the school is not required to refund the periodical payment.

Enquiry

- For enquiries about the accounting procedures, please contact the Funds Section or the Recurrent Subventions Section. For general enquiries about the Employees' Compensation Ordinance, you may make use of the Labour Department Telephone Enquiry Service (2717 1771). A Concise Guide to the Employees' Compensation Ordinance (with frequently asked questions on common employees' compensation issues) is available at the website of the Labour Department at <http://www.info.gov.hk/labour>. For enquiries about individual compensation claims, please approach the relevant branch offices of the Employees' Compensation Division of the Labour Department for assistance.