

## **TITLE EIGHT COMPENSATIONS FOR OCCUPATIONAL INJURIES AND DISEASES**

### **Article 142 –**

Should the worker contract any of the occupational injuries or diseases listed in Schedules 1 and 2 enclosed herewith , the employer or the representative thereof shall notify the incident immediately to the police and to the Labor Department or a branch thereof within whose jurisdiction the work place is located .

Such notification shall include the name , age , occupation , address and nationality of the worker , a synopsis and circumstances of the incident and the medical aid or treatment provided .

Upon the receipt of the notification , the police shall carry out the necessary investigations and records in a minutes the statements of the witnesses , the employer or the representative thereof , and the injured , should his state so allows . Such minutes shall indicate in particular whether the accident is occupational , deliberate , or arises from gross misconduct of the worker .

### **Article 143 –**

Upon the completion of the investigations , the police shall send a copy of the minutes to the Labor Department and another to the employer . The Labor Department may request that the investigation be pursued , or directly conduct such investigation itself , if necessary .

### **Article 144 –**

In cases of occupational injuries or diseases , the employer shall undertake to pay the cost of the treatment of the worker in a governmental or private local medical center until his recovery or proven disabled . Such treatment shall include costs of hospitalization or stay at a sanatorium , surgeries , x – rays and medical analyses , medicines and rehabilitation equipments , and the supply of artificial limbs and other prosthetic appliances when disability is

established . Furthermore , the employer shall pay the cost of any transport required with regards to the treatment of the worker .

#### **Article 145 –**

Should the injury prevent the worker from performing his work , the employer shall pay him an allowance that is equal to a full wage for the entire period of treatment , or for a period of six months , whichever is shorter . Should the duration last for more than six months , the allowance shall be reduced by half and such for the following six months or until the worker fully recovers , is declared disabled , or dies , whichever occurs first .

#### **Article 146 –**

The allowance referred to in the foregoing Article shall be calculated on the basis of the last wage due to monthly , weekly , daily and hourly – paid workers , and on the basis of the average daily wage set forth in Article 57 hereof for the workers getting paid by piece .

#### **Article 147 –**

Upon the end of the treatment , the treating physician shall set a report in two copies , one delivered to the worker and the other to the employer . Such report shall include the type , cause , date of occurrence of the injury , and the extent to which such injury is work related and the duration of treatment therefrom , whether it resulted in permanent or other disability , the degree of disability , if any , whether it is total or partial , and the extent to which the disabled worker is capable of resuming work despite the disability .

#### **Article 148 –**

Should a dispute arise with regards to the fitness of the worker for service or the degree of disability or any other matters related to the injury or the treatment , such matter shall be referred to the Ministry of Health via the competent Labor Department . The Ministry of Health , upon the receipt of such a dispute , shall form a medical committee of three government physicians to determine the fitness of the worker for service , the degree of disability or any other matter related to the injury or treatment .

The committee may request the assistance of any experts , The decision of the committee shall be final and shall be submitted to the Labor Department in view of taking the necessary measures for the implementation thereof .

## **Article 149 –**

Should the occupational injury or disease cause the death of a worker , the members of the family thereof shall be entitled to compensation equal to the basic wage of the worker for twenty four months , provided that the amount of compensation is not less than eighteen thousand Dirhams or more than thirty five thousand Dirhams . The amount of compensation shall be calculated on the basis of the last wage received by the worker prior to his death . The compensation shall be distributed among the beneficiaries of the deceased worker in accordance with the provisions of the schedule enclosed herewith .

In the implementation of the provisions of the present Article , the expression " the family of the deceased worker " shall mean the persons who totally or mainly depend for their subsistence of the wage of the deceased worker at the time of his death . Such persons shall be :

a – The widow ( s ).

b – The children , namely :

1 – Sons under 17 years of age , under 24 years of age regularly enrolled in academic institutions , and sons who are mentally or physically incapacitated in such an extent that they are unable to earn their own living . The term " sons " shall include the sons of the husband or the wife dependent on the deceased worker at the time of his death .

2 – Unmarried daughters including also unmarried daughters of the husband or the wife dependent on the deceased worker at the time of his death .

c – The parents .

d – The siblings in accordance with the conditions set for the sons and daughters .

### **Article 150 –**

Should the occupational injury or disease partially disables the worker in a permanent manner , the worker shall be entitled to compensation in accordance with the rates set in the schedules enclosed herewith , multiplied by the value of the death compensation set forth in the first paragraph of the preceding Article , as the case may be .

### **Article 151 –**

The amount of compensation due to the worker in case of permanent total disability shall be equal to the amount due in the event of his death .

### **Article 152 –**

Whenever necessary and with the consent of the Minister of Health , the Minister of Labor may amend the schedule no . 1 on the occupational diseases , and schedule no . 2 on the disability compensation assessment enclosed herewith .

### **Article 153 –**

The injured worker shall not be entitled to a compensation for the injury or disability not causing death , should it be proven in the investigations of the competent authorities that the worker deliberately injured himself with the intention of committing suicide or of obtaining a compensation , a sick leave or otherwise , should the worker be at the time of the incident under the influence of drugs or alcohols , should the worker intentionally breach the safety instructions posted in prominent locations in the workplace , should his injury or disability result from a gross and deliberate misconduct on his part ; or should he refuse for no serious reason to undergo medical examination or treatment ordered by a medical committee formed in pursuance to the provisions of Article 148 .

In such cases , the employer shall not be required to treat the worker or pay any allowance thereto .