

18.15 RISK, INSURANCE AND COMPENSATION

- 18.15.1 Working conditions and activities have the potential to affect a worker's health and safety. An employer – The Government for our purpose, aims at eliminating or at least minimising the risk of accident or injury and to protect workers from injury, accidents, infections, ill health caused by their working conditions.
- 18.15.2 The cost of workplace accidents or diseases is very high. There is both a direct cost to the employer in terms of lost working time, medical costs, and also a much higher indirect cost which affects the injured or sick workers and their families.
- 18.15.3 In this Chapter, we look into the provision for a safe workplace environment, compensation for risk and the insurance cover.
- 18.15.4 A risk is the likelihood of harm occurring. The degree of risk is based both on the likelihood and severity of outcome (type of injury). A hazard is an article, substance or situation that has the potential to cause harm. Hazards always exist, to some degree, in a workplace and risk is related to the immediate consequences of the hazard. Typical workplace hazards include working at heights, noise, electricity, machinery, chemicals, infectious agents, fire, etc. It is possible to eliminate the hazards in certain circumstances but generally they are part and parcel of work. The risks arising therefrom, on the other hand, can be controlled in such a way that the likelihood of harm from the hazard is reduced to an acceptable minimum or even eliminated completely.

Management/Employer Responsibility

- 18.15.5 The legal obligations placed on employers and workers in respect of safety do vary from country to country throughout the world. However, all have the same basic intention of protecting people at work. There is a general recognition that most of the responsibility lies with the employer, since he provides the work, the workplace, the tools, systems, methods, etc.
- 18.15.6 In line with International Labour Organisation (ILO) Conventions and the Occupational Safety and Health Act 2005 on this issue, we have identified obligations that might be placed on employers and workers in order to achieve the basic goal of a safe and healthy place of work.

Recommendation 1

18.15.7 We place the following obligations on Management/Employer -

The employers should:

- (i) ensure that, so far as it is reasonably practicable, the workplaces, machinery, equipment, and processes under their control are safe without risk to health; and the chemical,

physical, biological substances and agents under their control are without risk to health; and appropriate measures of protection are taken;

- (ii) provide, where necessary, adequate protective clothing and protective equipment to prevent, so far as is reasonably practicable, risk of accidents or adverse effects on health;**
- (iii) give necessary instructions and training for proper and safe use of equipment;**
- (iv) institute organisation arrangement regarding Occupational Safety and Health for ensuring the safety, health and welfare of public officers at work;**
- (v) ensure that work organisation, particularly with respect to hours of work and rest breaks are observed; and**
- (vi) ensure that arrangements are made for medical screening of workers exposed to health hazards.**

Employee/Worker Responsibilities

18.15.8 We hold the view that each and every employee/worker should co-operate with his employer with regard to fulfilling his safety obligations.

Recommendation 2

18.15.9 We recommend that workers should:

- (i) take reasonable care for their own safety and that of other persons who may be affected by their acts or omissions at work;**
- (ii) comply with instructions given for their own safety and health and those of others; and**
- (iii) use safety devices and protective equipment correctly.**

Compensation for Risk

18.15.10 Risk is a compensable factor in our job evaluation scheme. We take the element of risk, which is inherent in a job, into account in the job assessment and fixing of the salary for the grade.

18.15.11 However, whenever certain officers by virtue of the nature of their work and posting to a workplace, are exposed to higher risk than their other colleagues, these officers are compensated additionally.

18.15.12 Officers in this category belong mainly to Disciplined Forces, Hospital Services, and Agricultural Sector. We have dealt with these categories of officers under their respective Ministries/Departments/Organisations.

18.15.13 We have, in the context of the review, received representations from practically all grades of officers for Risk Allowance. These officers claim Risk

Allowance for being exposed to risk of assault (both verbal and physical), for being exposed to inclement weather, for running risk of being bitten by dogs, etc.

- 18.15.14 We have studied each and every representation. Wherever these have matched with the criteria for the payment for Risk Allowance, it has been recommended.
- 18.15.15 Element of risk has been taken into account in the salary recommended for grades. However, we provide additional compensation by way of allowance exclusively to certain categories of employees such as Disciplined Forces, Hospital Staff, Medical and Para-Medical Staff of the Brown Sequard Hospital and Chest Clinic, and, to those who are exposed to relatively higher risks than their colleagues in the same grade. **The recommended revised allowances payable appear in the relevant Chapters for Ministries/Departments/Organisations.**

Protective Clothing and Equipment

- 18.15.16 While every effort should be made by the employer to eliminate risk, providing protection for the individual worker through specific job training and personal protective equipment is a "sine-qua-non" to control risk.
- 18.15.17 Different types of personal protective equipment are used such as ear defenders for noise, gloves, coats, helmets, boots, and respiratory masks to prevent contact with substances which are hazardous.
- 18.15.18 At present, all items of protective clothing and equipment for a grade is determined by the Uniform Committee comprising representatives of the MCSAR, the Ministry of Finance and Economic Development and the Bureau.
- 18.15.19 The Committee bases itself on the recommendations of the Safety and Health Unit of the MCSAR to establish the eligibility.
- 18.15.20 This practice is working well and to the satisfaction of both Management and staff. We are maintaining the present arrangement.

Recommendation 3

18.15.21 We recommend that:

- (i) the Uniform Committee under the Chairmanship of the MCSAR and comprising representatives of the Ministry of Finance and Economic Development and the Bureau should be maintained;**
- (ii) the Committee should continue to determine the eligibility for protective clothing/equipment; and**

- (iii) **Management should make arrangements for the timely issue of items of protective clothing/equipment to each and every eligible officer.**

Need for Health and Safety

18.15.22 Implicit in any attempt to protect the safety and health of workers in the process of identification of hazards and the people at risk, a broad assessment of the magnitude of that risk and the action required to reduce that risk or to eliminate it, should be undertaken.

18.15.23 We have placed great onus on Management for safety at work place. It must be considered a function of management no less important than the management of purchase or human resource, and appropriate arrangements should be put in place to ensure safety and health throughout the organisation.

Recommendation 4

18.15.24 We recommend that:

- (a) **Management should ensure that officers, in such cases, wear protective clothing item/equipment; and**
- (b) **regular, appropriate, specific and general instructions (both oral and written) be given to workers on the usage of protective clothing/equipment.**

Health Surveillance

18.15.25 We have, in our last Report, recommended that “organisations should, with the assistance of the Safety and Health Unit of the Ministry of Civil Service and Administrative Reforms (MCSAR), carry out a risk assessment to identify situations where employees are exposed to noxious substances or adverse working conditions that may impair employees’ health and to place the employees concerned under a suitable Health Surveillance Programme”.

18.15.26 We are given to understand that due to shortage of human resources at the MCSAR, this exercise could not be properly carried out. **We are maintaining this recommendation which comes essentially from the focus given by most safety and health legislations.**

18.15.27 We have made appropriate recommendations in the relevant class literature where sufficient empirical evidence already exists to justify Health Surveillance.

Compensation in respect of Occupational Accidents

18.15.28 The present provisions for compensation in respect of occupational accidents cover every employee of the Public Sector. Compensation is paid in cases of:

- (i) personal injury sustained arising out of and in the course of duties and which is likely to be of a permanent nature; and
- (ii) fatal injuries or death by accident arising out of and in the course of duties to the dependants.

18.15.29 The Workmen's Compensation Act covers all manual workers as well as non manual workers whose annual earnings do not exceed Rs 72000. With regard to the remaining employees of the Public Sector whose annual earnings exceed Rs 72000 including the Disciplined Forces, Government, as the employer and its own insurer, assumes responsibility in respect of all occupational risks of its employees and bears the costs for compensation on the same basis as laid down in the Workmens' Compensation Act.

18.15.30 We understand that a bill is being prepared to amend the Workmen's Compensation Act. Pending the enactment of this Bill, the provisions are maintained as hereunder.

Recommendation 5

18.15.31 We recommend that:

- (i) all manual workers as well as non-manual workers whose annual earnings do not exceed Rs 72000 should continue to be compensated according to the Workmen's Compensation Act.**
- (ii) the Second Schedule of the Workmen's Compensation Act should be updated to cater for new occupational diseases.**
- (iii) non-manual workers whose earnings are in excess of Rs 72000 a year and members of the Disciplined Forces who sustain permanent incapacity as a result of injury arising out of and in the course of duties, or who contract an occupational disease under conditions specified in Section 37 and as listed in the Second Schedule of the Workmen's Compensation Act, be paid a compensation as per rate specified in the First Schedule or under Section 7 of the Workmen's Compensation Act up to a maximum of Rs 1.3 million over and above any gratuity or pension covered under the Pension Regulations.**
- (iv) non-manual employees whose earnings are at a rate in excess of Rs 72000 a year and for members of the Disciplined Forces who sustain fatal injuries arising out of and in the course of duties, or who contract a fatal occupational disease under conditions specified in Section 37 and which is listed in the Second Schedule of the Workmen's Compensation Act, a compensation of six years'**

salary at the rate of the deceased last salary drawn before the accident, subject to a maximum of Rs 2 million be paid to the heirs over and above any gratuity covered under the Pension Regulations.

- (v) The High Powered Committee may, in the wake of amendments to the National Pensions Act, review the ceilings at paragraph 18.15.31 (iii) and (iv) and make such other related recommendations as appropriate.
- (vi) Pending amendments to the relevant legislation, the recommendations made at paragraph 18.15.31 (iii) and (iv) in relation to those employees whose earnings are above Rs 72000 annually and who are not governed by the Workmen's Compensation Act be implemented administratively.
- (vii) Requests for payment of a compensation under paragraph 18.15.31 (iii) and (iv) should be made to the Ministry of Civil Service and Administrative Reforms.

Medical Insurance Scheme

18.15.32 In spite of the free health services being provided in public hospitals, staff side and Management have made persistent requests for the setting up of a health insurance scheme for public sector employees. The argument put forward is that the scheme would enable them to have wider access to medical facilities and avail of the latest technologies which may not be available in public hospitals. They would also have the option to select the medical practitioners and health institutions of their choice.

18.15.33 In our last Report, provision was made for the MCSAR to start negotiations with the State Insurance Company of Mauritius (SICOM) Ltd for the setting up of a contributory medical scheme for public officers who wish to join in. The MCSAR held negotiations with the stakeholders and started discussions with the SICOM.

18.15.34 In the 2012 Budget, the following announcements were made:

- (i) "all employees benefit from contributions of their employers to the National Savings Fund (NSF). Of these, a great many contribute more than 300 rupees per month. I am today allowing employees to use their monthly NSF contributions as payment of private health insurance; and
- (ii) employees will now have the possibility to opt for private medical care for themselves and their family. Anyone wishing to do so should inform the NSF to redirect their future monthly contributions to the insurance company of their choice".

Recommendation 6

18.15.35 The MCSAR should, in consultation with the relevant stakeholders (SICOM, MOFED, PRB, Unions), look into the implementation modalities or the Medical Insurance Scheme and apprise public officers of the procedures to be followed to join the Scheme.
