

僱 員 賠 償 保 險 補 償 手 續

處理僱員補償手續，基本上以「香港僱員補償法例」為根據。法例規定，如僱員因工受傷而引致喪失工作能力連續超過三天以上，僱主必須在十四天內填寫表格 2 或表格 2B 呈報勞工處。另如僱員因工死亡，僱主必須在七天內向勞工處呈報表格 2。

若意外病假不超過三天，及無永久喪失工作能力：

僱主須填報表格 2B 通知勞工處處長有關任何上述之工傷意外。此等工傷毋須到勞工處銷假判傷。由僱主於僱員的正常發薪日期支付該段病假的補償及醫療費用等賠償。[註一]

若意外病假多於三天而不超過七天，及無永久喪失工作能力：

僱主須填報表格 2 通知勞工處處長有關任何上述之工傷意外。另僱員可與僱主以協議形式直接解決工傷賠償[註一]，而毋須到勞工處銷假判傷。

若意外病假超過七天：

勞工處於接獲僱主呈交之表格 2 後，將發通知書給僱員，指示前往辦理工傷補償手續。當僱員完成判傷手續後，勞工處處長會簽發評估證明書[表格七]給予受傷僱員及其僱主，並闡明判傷結果[註二]。在雙方沒有反對的情況下，勞工處會再簽發補償評估證明書[表格五]給予他們，闡明補償款額。

在上述任何情況下，當意外發生後，僱主亦須同時以表格 2 或表格 2B 副本一份給予承保公司以作為事件的知會。至於醫療費用補償，更要附上有關票據，連同補償評估證明書[表格五]、評估證明書[表格七]及有關的病假證明書交回承保公司，以作為處理補償之根據。對於那些工傷病假少於三天及多於三天而不超過七天的個案，承保公司會發出一聲明書給予有關的僱主，並須要僱主及受傷僱員雙方簽署寄回作實才會發給補償。

註一：補償計算方法：每日平均收入 x 病假日數 [法定假期及無薪假期除外] x 4/5 + 醫療費用 [門診、住院每日最高賠償額為 HK\$200.00；門診及住院(於同日內發生)最高賠償額為 HK\$280.00]

註二：如個案涉及永久傷殘或喪失工作能力達 3% 或以上者，僱主應立即通知承保公司，並遞交表格七給予承保公司處理。

以上資料取錄自香港勞工處〈僱員補償條例〉簡介 2003 年版。

EMPLOYEES' COMPENSATION INSURANCE CLAIMS PROCEDURE

The claims procedure follows that required by the Employees' Compensation Ordinance on which your insurance is based. Under the Ordinance, any accident sustained by an employee arising out of and in the course of his/her employment should be notified to the Labour Department by the employer within 7 days in case of death and within 14 days in case of total or partial incapacity by means of the Form 2 or Form 2B.

Where the injury results in temporary incapacity for NOT more than 3 days and NO permanent incapacity: -

An employer is required to complete the Form 2B to notify the Commissioner for Labour of any work accident in the above circumstances. No assessment is required for this kind of employees' compensation case, the compensation (Note 1) should be paid to the employee by the employer on the normal pay day.

Where the injury results in temporary incapacity for OVER 3 days but NOT more than 7 days and NO permanent incapacity:-

An employer is required to complete the Form 2 to notify the Commissioner for Labour of any work accident in the above circumstances. An employee may enter into an agreement directly with his/her employer, as to the compensation payable (Note1) and the employee in return need not to attend the Labour Department for assessment.

Where the injury results in temporary incapacity for more than 7 days:

Upon receipt of the Form 2, Labour Department will give notice to the injured employee advising him/her of the claims procedure. After the assessment, the Commissioner for Labour will issue a Certificate of Assessment (Form 7) to both the employer and the employee stating the result of assessment (Note 2). Should there be no objection to the assessment result by both parties, a Certificate of Compensation Assessment (Form 5) will be issued to them thereafter stating the amount of compensation.

Immediately after the accident under any of the above circumstances, the respective Insurer will need to be provided with a copy of the Form 2 or Form 2B which will serve as notification of the claim. For those involving medical expenses, medical bills must be submitted together with Certificate of Compensation Assessment (Form 5), Certificate of Assessment (Form 7), and all relevant sick leave certificates for our handling. In respect of the work accident with sick leave for NOT more than 3 days and OVER 3 but NOT more than 7 days cases, a DECLARATION will be sent to the employer/employee by the Insurer for completion, endorsement and return for payment effecting.

Note 1: Method of Calculating Compensation: Average daily earnings x No. of sick leave days (excluding statutory holidays & unpaid leave days) x 4/5 + Medical Expenses (subject to daily maximum of HK\$200.00 for Out-patient treatment, Hospitalization; daily maximum of HK\$280.00 for Out-patient treatment and hospitalization on the same day)

Note 2: For injuries involving loss of earning capacity of 3% or above as assessed by an Employees' Compensation Assessment Board, you, as the employer, must notify us immediately and send the Form 7 to us for our handling.

The above print is according to the "A Concise Guide to the Employees' Compensation Ordinance" 2003 edition issued by Labour Department Hong Kong.