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## RESEARCH ARTICLE

### MATHEMATICAL EQUATIONS FOR CALCULATING A WORKER'S RIGHTS UNDER MEDICAL CARE INSURANCE AND DAILY WAGES PAID IN WORK INJURIES AND OCCUPATIONAL DISEASES ACCORDING TO JORDANIAN SOCIAL SECURITY LAW

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#### ABSTRACT

This paper discusses one type of insurance provided by Jordanian Social Security Law for the protection and compensation of workers during a work related injury through the payment of daily allowances instead of lost wages during the period of treatment. In this regard, the paper highlights the following concepts: occupational illness, work injury, medical care, daily allowances (wages) and the outstanding problems of work injuries coverage with particular focus on the cases where an injured worker shall not be entitled to such allowances as well as the cases where the worker shall not lose his right such as death or disability. All of the above issues are discussed in light of the Jordanian Social Security Law No. (1) of 2014 and its attached insurance regulations. The paper concludes with a set of mathematical equations to calculate a worker's rights under the medical care insurance and daily wages in case of work injuries.

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#### INTRODUCTION

The Jordanian Constitution guarantees the social and cultural rights of Jordanian citizens such as the right to work as well as the right to health care and social welfare. The following labor legislations ensure these principles. Among these legislations, section one of paragraph 1 of Article 3 of the Jordanian Social Security Law No. (1) of 2014 covers work injury insurance. Social security is a social insurance system that ensures the protection of individuals socially and economically by deducting a percentage of the monthly salaries of the worker in addition to a specific ratio of contribution by their employers as determined by the law. The sum of the amount of contribution and deduction shall be accounted to the name of the worker with the Social Security Corporation and shall make it a social security contributor or beneficiary. Social security protects the individual socially when the worker is, for example, injured. This is called work injuries, and it is recognized by the Social Security Law through a particular Committee responsible for the assessment of the seriousness of a work injury. In Jordan, an institution called the Social Security Corporation was established as the authority to observe and guarantee workers' rights.

It is a public body with its own rules that ensure transparency and credibility. Social security is a social and legal system that seeks to achieve economic security for the insured individuals in case of exposure to work or economic hazards, by using particular technical methods through which it can fairly redistribute the national income<sup>1</sup>. Legislators desire to expand the protection of workers and to help them to easily receive their compensation for work injuries without the need for prosecution. The social insurance system was created as a collective system in which coverage of work injuries is a collective coverage contributed by all parties rather than only the individual. Such a system came to replace the liability system in which the worker needed to sue the employer or the insurance company.<sup>2</sup>We found a comprehensive definition of social security, which combines the objective of social security with the protection of the vulnerable group of workers and is characterized by a system that compensates for income loss due to risk and covers the burdens and expenses in specific cases such as sickness and work injury, which is "a system determined by the government aimed at protecting vulnerable

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<sup>1</sup>Mohamed Abdelhafeez El Manaseer, 2009, Old Age Insurance in the light of the provisions of the Social Security Law, Master Thesis, Amman Arab University, Amman, Jordan, p. 14.

<sup>2</sup>Dr. Mustafa Al-Jamal, Summary in Social Insurance, 1992, p. 265, d. Kassem, 2010, p. 228.

groups, defined by the law, and guaranteeing its living security in the event of illness, maternity, work injury, unemployment, disability, aging and death by providing an alternative income, when it is interrupted by such cases and by covering the family burdens and extraordinary expenses resulting from illness, injury and death. It also ensures income continuity. However, the system is financed through contributions or taxes with the limits and rates determined by law."<sup>3</sup>

## Occupational Illness and Work Injury

### Occupational Illness

Jordanian legislators consider occupational illness to be a type of work injury, although there is a wide difference between the two terms (work injury and occupational disease). However, there is a similarity between work injury and occupational illness, as both are caused by the same work. Occupational illness is one of the diseases caused by work. For example, one of the occupational diseases is the inhalation of cement dust or fumes produced from chemicals, where the insured suffers because of these elements from a chest disease or some malignant disease. According to the general rules, the insured shall prove cause between his illness and work, i.e. the evidence of causal relationship. Otherwise, it shall be considered an ordinary disease, and each type of disease (ordinary disease/ occupational disease) has its own provisions. Some identify occupational disease as the disease that occurs to the worker gradually, so there is a causal relationship between the disease and the work, provided that there should be clear causes related to the work that led to such disease.<sup>4</sup> However, countries have different means for determining occupational illness, where it has three systems. The first system is called Full Coverage System, which provides the worker protection against any occupational-caused disease. The second system is called Tables System, which includes tables of occupational diseases and types of work that cause such diseases. Therefore, the diseases listed in the table shall be deemed a legal irrebutable presumption for claiming an occupational disease. On the other hand, there are closed tables and opened tables. Closed tables contain exclusively occupational diseases, and shall not add any further new disease, while opened tables can add any diseases evidenced by the scientific reality that it has been caused by the work and that it belongs to vocational diseases; also simply put this means that it is subject to legislative procedures. Finally, the third system is called the Mixed System, which combines the above first and second systems.<sup>5</sup> Jordanian legislation adopted, as did many legislations, not to establish a comprehensive definition of occupational disease but to insert a table for occupational diseases (Table 1). Thus, Jordanian legislation has mitigated the burden of proof on the insured to prove the occupational disease. Whereby the latter shall only prove, according to Jordanian law, the occurrence of such disease. Jordanian legislation has done well with the Social Security law by allowing the addition of any other diseases

that the Social Security Insurance Council decides to add to this table based on the recommendation of the medical authority. By taking this decision, Jordanian legislation has protected the law against criticism of the advance tables adopted to identify occupational diseases as a shortage tables, where many other diseases outside the tables can occur. In addition, new industries may cause new occupational diseases, and the Board may add new diseases or newly detected diseases caused by certain works or gases. For example, Article 3, paragraph B / 1, of the Insurance Benefits Law No. 15 of 2015, of the corporation stated that in order to consider an occupational disease, the symptoms of such a disease should provide the following:

- There should be a causal relationship between the illness and the work performed by the insured.
- The insured should work in a specific profession, which requires continuous contact with its causative factors.
- The occupational disease spread among workers in such a profession is higher than its prevalence among other groups in the society.
- The duration of exposure to pathogens is scientifically sufficient to obtain the disease.

### Difference between Work Injury and Occupational Illness

Not every disease that affects the worker is considered a work injury or occupational disease. The person may be exposed to a natural disease according to his or her natural immunity or resistance to these diseases, where such diseases are called natural diseases that go beyond the scope of work injury and occupational disease. For example, if the worker had heart disease, high blood pressure or diabetes then it shall be deemed natural diseases for all professions. However, if the worker who works, for example, in a cement factory inhaled vapors or emissions of such substances and then suffered from chest diseases, it shall be considered an occupational disease due to the presence of a causal relationship. However, the work injury is defined in Article 2 of the Jordanian Insurance Law as follows: "suffering one of the occupational diseases listed in Table 1 attached to this law and any other diseases listed by the Medical Reference or the injury caused by an accident occurred to the insured during the performance of his work or because of it, including any incident occurring to him during his or her work or while returning from it, provided that it should be in the normal case or that the road he or she used is acceptable back and forth". Some identified the work injury as the physical harm that arises during the performance of work or because of work, and it shall be considered when there is a causal relationship or a link between the work injury and the practiced work, particularly if such injury came due to overwork and heavy effort performed in work, provided that the occurred injury or illness should correspond to the table annexed in the law and meeting its rules and conditions.<sup>6</sup>

The difference between occupational injury, occupational diseases and natural diseases is:

- The work injury is usually caused by external and sudden action, for example, the cutting of a worker's finger while using a machine at work. However, the

<sup>3</sup>Judge Hussein Abdul Latif Hamdan, Social Security and its Applications, Al-Halabi Publications, Lebanon, Beirut, 2009, p. 32.

<sup>4</sup>Maha Mohammed Ahmed Al-Hasasneh, 2012, Assuring Work Injuries and Diseases Resulting from the Profession in Islamic Jurisprudence, in Comparison with Jordanian Social Security Law, Master Thesis, University of Jordan, Amman, Jordan, p. 31

<sup>5</sup>Dr. Mohamed Hassan Kassem, Explanation of Social Insurance, Regulations and Supplementary Systems, University Publications House, Alexandria, 2010, pp. 246-247.

<sup>6</sup>Maha Mohammed Ahmed Al-Hasasneh, op. cit., P. 30

occupational disease appears gradually and takes a long time to appear.

- Most of the occupational injuries occur after a long period of time. So considering that most occupational diseases take long periods of time to appear, it has been determined by work duration or after two years from the end of the work because such diseases might probably manifest themselves after the insured termination. The Jordanian Social Security Law includes the liability of the employer in its coverage, where Article 39 of the Jordanian Social Security Law states that "if the symptoms of the occupational disease appeared to the insured within two years of the date of their termination and is proven by a decision made by the medical reference, then such occupational illness shall be deemed caused by the work. Sometimes, the employer shall charge part of these expenses; however, upon his default, he shall afford all expenses.
- Work injury is not defined by the legislation (non-exclusive), while occupational disease has been limited to an exclusive table with new diseases being added according to a mechanism determined by law.

## Medical Care

### Scope of Medical Care According to the Social Security Law

Among the services covered by the insurance for work injuries, where according to Article 25, paragraph (a) of the Jordanian Social Security Law, it covers the medical care services required by the sick person and is guaranteed by this law in case of work injury. The work injury is a physical event that occurs and is considered by the law that is bound to the Social Security Corporation in terms of the application of the Social Security Law by providing medical care to the injured worker as soon as the injury occurs because it is the insured party that has the obligation of treatment of the injured worker and should provide him financial aid during the full period of inability to perform his work.<sup>7</sup> The medical care of the injured worker represents the actual financial loss suffered by the injured worker and is specifically intended for the loss of financial damages related to physical injuries.

**However, damage in general is divided into two parts:** Moral damage and physical damage. When the moral damage is linked to the person's dignity, feelings and reputation, then it is beyond the scope of medical damages discussed in this research. Whereas, (physical or bodily) damages are those damages related to the human body and soul, such as death, amputation of body organ or the disconnection of a body organ of the human body. Thus, the work injuries fall under physical damages related to the injury caused by an external factor, although it shall not be caused by another person (aggression), such as amputation of a worker's hand or losing one of his senses due to using one of the machines in the factory. However, if the cause of injury was attributed to the employer, this shall not be considered and the injured worker shall be entitled for compensation solely for his injury.<sup>8</sup> Medical care shall be provided according to the patient's need for treatment.

Medical care shall include the cost of treatment, whether inside or outside the hospital. And it shall also include all other expenses such as transportation to the places of treatment or natural treatments from the work site or from the place of residence to the place of treatment and return again. Medical care includes the provision of medical aids to provide rehabilitation services such as artificial limbs and so forth. Of course, the additional actions are paid on the basis of medical reports approved by the medical board. The regulations issued under this law determine the mechanisms for their implementation. In accordance with Article 5 of the Social Security Law, medical care covers trainee workers, where it states that: (a) The provisions of this law relating to the insurance of work injuries shall apply to trainees who have not reached sixteen years old in accordance with the regulations issued under the provisions of this law, without any contributions for their benefit on the organization.

As seen in the above article, trainee workers are covered by the Social Security Law provided that the trainee shall be less than 16 years old, and of course the purpose of this provision is to protect this vulnerable group from being exposed to any type of injury and occupational diseases during their training (exclusively), which means they are not included by all the guarantees of the Social Security Law such as disability, death, aging, etc. However, the coverage of this group of workers by the Social Security Law during their training aims to protect them from exposure to any risks during training. It is believed, herein, that it is fair to include the (minor) trainee worker by other guarantees such as death and disability. On the other hand, certainly the trainee does not need guarantees such as aging and maternity.

### Employer Liabilities to the Insured Worker in the Event of Accident

The employer's obligations and procedures after the occurrence of work injury in accordance with the general rules and in accordance with Article 27 of the Social Security Act are as follows:

- Provide first aid to the injured worker, if he has been injured at the workplace.
- Should the first aid not meet the treatment of the injured worker at the workplace, the employer shall transfer the injured worker to the treatment facility (entity) approved by the Jordanian Social Security Corporation.
- If there is a public accident such as explosions, fires or criminal incidents, then in such cases there is an obligation on the employer to inform the nearest police station within 48 hours from the time of the occurrence of such accidents. There are certain accidents that Jordanian legislation requires the employer to report under the regulations issued under the Jordanian Social Security Law.

Therefore, the employer should inform the Social Security Corporation by submitting certified reports issued by the official authorities on the investigations conducted on the above mentioned incidents, and they shall provide the Social Security Corporation with any other documents related to such accidents, such as the report of the cause of the explosion or

<sup>7</sup>Fida Suleiman Abu Ruman, 1996, Insurance of Work Injuries and Occupational Diseases in the Jordanian Social Security Law, Master Thesis, University of Jordan, Amman, Jordan, p. 75.

<sup>8</sup>Maha Mohammed Ahmed Al-Hasasneh, op. cit., P:50-51.

the fire or traffic accident reports in the event of traffic accidents and other similar reports.

- The employer shall inform the Social Security Corporation of the occurrence of an injury. The communication shall be in writing and shall be accompanied by the initial medical reports as well as all other documents and data required by the corporation.
- Jordanian Law specifies a period of 14 working days from the date of the occurrence of ordinary accidents to inform the Social Security Corporation. If the employer fails to comply with this period and is late for this communication under paragraph d, Jordanian law shall require, in paragraph 27 (c), medical care costs and full daily allowance for work injury.
- In all cases, the employer shall provide the Social Security Corporation with certified medical reports from the official authorities, medical referrals, medical reports, scans, analyses and others.

On the other hand, article 27, paragraph D of the Jordanian Social Security Law provides that the insured or his relatives have the right to inform the Social Security Corporation of the injury, in case the employer fails to undertake such notification. The law defines the legal period of notification by four months after the date of the accident.

#### **Timelines for Work Injured Insured Treatment**

In general, treatment shall be at the expense of the Social Security Corporation. Article 28 of the Jordanian Social Security Law states that the Social Security Corporation shall treat the injured person until his recovery, disability or death because of his work injury. If the patient's condition stabilizes with permanent disability or partial permanent disability, the medical authority shall require his medical supplies and necessities for the continuation of his life. The Social Security Corporation shall afford such costs. If the patient suffers complications or relapses within one year from the date of the stability of his condition, the medical authority shall decide his need for treatment and his entitlement to the daily allowance in accordance with Article 29 of the Jordanian Insurance Law.

Some raise a question: Can an employer terminate the worker after being injured, and can an employer do this without the worker getting treatment?

The treatment under the Jordanian Social Security Law is clear in this regard. Treatment should be performed until recovery. And this may be achieved by the injured person during his work period or even after the termination of his work. However, the liability of the Social Security Corporation shall continue beyond the termination of the injured person, if he does not recover from injury during his employment period.<sup>9</sup> This is what is provided by article 28 of the Social Security Law.

#### **Daily Allowances (Wages)**

Article 2 of the Jordanian Social Security Law defines wages as "the monetary equivalent or in-kind remuneration received by the insured for his work in accordance with the rules and

regulations determined by the regulations issued under the provisions of this law." Article 25, paragraph (b), states that the injured worker is entitled to a daily wage due to his incapacity to work temporarily because of his work injury, i.e. the right of the injured worker to receive a daily allowance for every day on which he loses his work, by 75% of his daily wage. However, temporary disability or incapacity to work means that the injured person cannot work and his fate is not clear whether he will be cured, permanently disabled, partially disabled or dead. The injured person loses his wage during the period of his treatment because of the interruption in his work due to his injury. So, the worker deserves daily allowances for this loss. However, the cause that those who have suffered a work injury shall get benefit lies in the fact that a work accident or occupational disease often results in the worker being suspended from his work for a certain period of treatment, during which the injured person will be deprived of his due wages. At the same time, the injured worker will be in terrible need to cover his treatment costs and his family expenses. Therefore, most social legislations set logical solutions for this problem through the payment of wages compensation during the period of the worker's interruption of work due to work injury. Where, such payment shall be paid according to the regular payment of wages, whether monthly, weekly, or other and it shall continue to be paid for the full duration of his incapacity and disability to work due to injury until his recovery, disability or death.<sup>10</sup>

In order to determine the value of the daily allowance (wage) paid to the injured person and the period in which the wage shall be paid, we shall show this according to the provisions of the Jordanian Social Security Law:

#### **Daily Wage Value**

The daily wage (daily allowance) is paid by the Social Security Corporation or the employer to the injured worker during his period of incapacity for work in the event of a work injury. Article 29, paragraph (a) of the Jordanian Social Security Law stipulates that if a worker is injured by a work injury, the Social Security Law obliges the Social Security Corporation to pay the worker 75% of their daily wage during the period of sickness and injury, regardless of the place of treatment either in the treatment centers approved by the Social Security Corporation or at their home, in accordance with a decision issued by the medical authority or the competent authority determined by the regulations issued under the provisions of the Social Security Law. Jordanian legislation did well to raise the wage payment up to 75% of the daily wage in the case of the injured person either if the treatment is at a treatment center or home, unlike the old Jordanian Social Security Law, which provided only 65% of the approved wage if the patient was in the treatment center and 75% in his home. The standardization of the ratio at 75% in the case of the treatment center or home is better for them because the cause of work interruption of the injured worker is the same. And despite the fact that the injured or ill worker will have food and drink at the medical center, he or she may cost his/her family additional expenses to visit the Center or to meet some additional demands. Article 29, paragraph B of the Jordanian Social Security Law states that the Jordanian Social

<sup>9</sup>Awni Mahmoud Obeidat, Explanation of Social Security Law, Dar Wa'el Publishing, 1998, p.175.

<sup>10</sup>Dr. Mustafa Ahmed Abu Amro, Principles of Social Insurance Law, Al-Halabi Publications, Beirut, 2010, pp. 369-370.

Security Corporation shall continue to pay the daily wages as stated above throughout the worker's incapacity to perform his work. The payment of the daily wage shall cease in the event of his recovery, permanent disability or death.

Then other applied laws shall grant him a retirement pension or give to his heirs according to certain regulations (explained later) and this means:

- The daily wage continues to be paid for periods of treatment in the hospital, at home or during sick leave until recovery and return to work. If recovery is achieved, the payment of the daily wage shall be stopped and the worker begins to take his ordinary salary.
- When the injured person has proven to be permanent or partial disabled, the payment of the daily wage shall be suspended because he will be entitled to other benefits.
- The injury may result in the death of the worker and then the payment of the daily wage shall cease from the date of death because the heirs shall be entitled to other benefits.

However, Article C of the Jordanian Social Security Law stipulates that the employer shall pay the wage for the first three days from the date of injury. Therefore, the following equation can be used to calculate wages paid during the worker's interruption due to work injury.

#### Equation (1)

Usual Daily Wage (UDW) = Monthly wage (MW)/30  
(UDW) = MW/30

#### Equation (2)

Daily wage for Injury (DW) = 75% \* Usual Daily Wage (UDW)

(DW) = 75% \* UDW

#### Equation (3)

Daily Wage for Injury for the first 3 days (3DW) = DW \* number of days (D)  
3DW = DW \* D

**Note:** The above equation (3) applies to the first three days of the treatment, where the treatment expenses shall be paid by the employer, and the Social Security Corporation shall not pay anything during the first three days, but it will start payment from the fourth day.

#### Equation (4)

Daily Wage for Injury after the first 3 days (4DW) = Daily wage for Injury (DW) \* number of Days (D)  
4DW = DW \* D

#### Equation (5)

Whole Daily Wage paid during work injuries (DWI)=Daily Wage for Injury for the first 3 days (3DW) + Daily Wage for Injury after the first 3 days (4DW)

DWI = 3DW + 4DW

#### Example

An employee was injured and stayed 10 days in the treatment center, and then stayed at home for a further five days to complete his treatment. His monthly salary was 300 Jordanian Dinars (JD), according to the Social Security Registrars. How much should he be paid for his temporary disability and treatment?

#### The solution

**First,** we find the Usual Daily Wage (UDW) according to equation (1) above

UDW= MW/30  
UDW = 300/30 = 10 JD (Usual Daily Wage)

**Second:** we find the Daily Wage paid during work injury (DW) according to Equation (2), which equals 75% of the Usual Daily Wage

DW = 75% \* UDW  
DW = 75% \* 10 JD = 7.5 JD per each off day

**Third:** we find daily allowances (wages) to be paid by the employer according to Paragraph (c) of the Jordanian Social Security Law (for the first three days)- Equation (3)

3DW = DW \* D

3DW = 7.5 \* 3 = 22.5 JD (the wage paid to the injured worker by his employer for the first three days)

**Fourth:** we find the Daily Wages to be paid by the Social Security Corporation, according to equation (4) above, which equals, according to this example, up to (12 days).

We calculate the number of days the injured worker stayed in the medical center, the hospital or in his home, as the Jordanian Social Security Law standardizes the payment for each place of treatment at 75% of the Usual Daily Wage.

10 days in the medical (treatment) center + 5 days in home = 15 Days (total days of treatment).

Three days of which shall be paid by the employer, while the remaining period (15-3=12 days) shall be paid by the Social Security Corporation.

4DW = DW \* D  
4DW = 7.5 JD \* 12 = 90 JD, which equals the paid wage for the period following the first three days of injury.

**Fifth:** we find the Total Daily Wage paid during work injuries, which equals to the Sum of Daily Wage for injury for the first 3 days (3 DW) paid by the employer and Daily Wage for injury after the first 3 days (4 DW) paid by the Social Security Corporation. This is represented in Equation (5):

DWI = 3DW + 4DW  
DWI = 22.5 JD + 90 JD

= 112.5 JD (Total Daily Wage paid during work injuries for 15 days off during the work period)

However, what wage should have been approved if the worker was injured, for example in December 2016 and continued his treatment until February 2017, and deserving at the beginning of the year certain bonuses or allowances?

The Jordanian High Court of Justice, in its decision No. 28 of 100/93 dated 28 April 1993, replied to this question as follows: The remuneration for the calculation of daily allowances and for the calculation of the partial disability pension is equal to the wage paid mainly for the payment of contributions. Another question that might arise is whether the patient's treatment would continue for more than one month, and if the patient's condition did not reach disability or death, then what is the daily allowances that shall be applied? We believe that he should be paid a payment equal to a full month's salary multiplied by 75% based on the salary subject to the social security contribution. However, if there are additional days more than the full month, the allowance of the months' portions shall be calculated by dividing the wage on 30 and then multiplying the product by the number of days and then multiplying by 75%. For example, if a worker had a work injury and continued treatment for two months and 10 days, and if the salary paid for the contributions were to be 400 JDs, then the allowance to be paid to him during the period of treatment should be as follows:

**First:** we find the daily allowance (wage) for two months:

$400 * 75\% = 300$  JD (wage of worker for one month during treatment)  
 $300 * 2$  months = 200 JD (for two months of treatment)

**Second:** we find the portions (fractions) for 10 days of the month as follows:

$400/30 = 13.33$  JD (daily wage)

$13.33 * 10$  days = 133.33 JD (the ordinary wage of worker for 10 days)  
 $133.33 * 75\% = 99.99$  JD, i.e. about 100 JD (for his off-work period of 10 days)

**Third:** calculation of total wage of worker during injury period of two months and ten days:

$600$  JD +  $99.99$  JD  $\approx 700$  JD (total wage of worker during injury period of two months and ten days)

However, we should note that the wages of the first three days shall be paid by the employer, as follows:

Usual Daily Wage (UDW) = (MW)/30  
 (UDW) =  $400/30 = 13.333$  JD

Hence, the daily allowance to be paid by the Social Security Corporation would equal:  $700 - 40 = 660$  JD.

**However, there is another method for calculating this wage**

Number of Days (D) =  $30+30+10=70$  Days (total period of treatment), out of which 3 days shall be paid by the employer and 67 days by the Social Security Corporation.

UDW = MW/30

UDW =  $400/30 = 13.333$  JD

DW =  $75\% * UDW$

DW =  $75\% * 13.333$  JD

DW =  $9.9999 \approx 10$  JD

$3DW = DW * D = 10$  JD \* 3 = 30 JD

$4DW = DW * D = 10 * 67 = 670$  JD

Then, Total Daily Wage paid During work injuries (DWI) =  $3DW+4DW$

DWI =  $3DW + 4DW$

$30 + 670 = 700$  JD

### The cases that shall not receive daily wages and cash compensation

The following cases, mentioned in Article 31, paragraph 1 (a) of the Jordanian Social Security Law, are excluded from the payment of daily allowances (wages) for the injured worker under article 29 of the law:

- If the work injury is an intentional act by the injured person, where the responsibility of the worker is determined or denied only when the error is intentional.
- If the work injury is caused by drinking spirits, drugs, psychotropic substances or dangerous drugs, then be aware that those who deal with such drinks or drugs shall be deemed in violation of the work rules, which would lead him to cause injury to himself or even cause harm to his colleagues at times. For example, sometimes if the worker were to be under the effect of such drinks or drugs while dealing with the machines, it may cause an explosion or other damages.

If, however, in the case where the act is caused by others, then in accordance with Article 41 of the Jordanian Social Security Law, the Social Security Corporation is obliged to maintain its responsibility towards the injured worker. In any case, the Social Security Corporation can claim the liable to the full expenses of the medical care and daily allowances mentioned above. C- If the injured worker violates the instructions of treatment or occupational safety and health that is applied by the establishment and because of this violation the work injury occurred, or its occurrence caused a delay in treatment, then the injured person will lose the daily wages paid due for his injury if he violated the instructions of treatment or treatment recommendations as well as if he refused treatment or practiced another work during the period of his treatment or returned to work in his original occupation and cut his leave. The injured person shall also be deprived of daily wages during the period of his treatment if he violates the safety regulations and instructions approved by his employer.

In this case, the injured worker is assumed to have violated these regulations, and not the other party (employer). However, in the event that the employer does not comply with the occupational safety and health regulations imposed on him by the Labor Law, the injured worker shall remain entitled to receive due compensation. Article 31, paragraph (b) of the Jordanian Social Security Law states that the Social Security Corporation shall, before depriving the injured worker of his daily wages during the period of treatment, investigate or approve an investigation that proves that the injury was caused by one of the cases mentioned in the above paragraphs of this article. Therefore, Jordanian legislation did not ignore the matter of work injuries completely, but pointed out that the

right of the injured who is insured falls in the cases of daily allowance and cash compensation if it is proven through the investigation conducted by the competent authorities, and after hearing of the employer's statements and the direct supervisor of the worker, that the injury was caused by the influence of alcohol or drugs, or because the injured violated the declared instructions related to treatment, protection, industrial safety and occupational health and safety to be followed by him (Bani Amer, 1999, p. 49).

### **The cases where the injured worker shall not lose his right to a daily allowance (wage)**

In paragraph 31 (c) of the Jordanian Social Security Law, it states that a worker shall not be deprived of his daily allowances, despite the fact that it was stipulated in article 31, paragraph A. Namely, if the work injury led to partial or permanent disability of at least 30% of the injured worker's body. Despite the reasons for the denial of these allowances for the causes mentioned previously above, the death of the worker is considered a human social issue involving the heirs or family of the deceased, thus legislation did well to cancel the deprivation and to provide them compensation of these allowances because they would be in urgent need due to their loss of their only breadwinner. Likewise, for the same reason and with a compassionate view to the worker's family and the deprived injured worker, this deprivation was removed in terms of daily allowance and injury compensation, if the permanent disability is more than 30% or if the injured worker were to become totally disabled. Some believe that the nature of compensation is attributed to wages but not accurately a wage. So, it should be considered a compensation for wages because of the suspension of the original wage, and because the worker failed to do his work.

As a result of this assumption, there will be legal consequences, including:<sup>11</sup>

- The injured worker shall not be entitled to a combination of allowance (wage) compensation and the actual wages during the period of treatment.
- For the purpose of continuation of the payment of the wage compensation, the injured worker shall remain subject to the social insurance system, i.e. remaining in the employment relationship during the period of payment of the wage compensation.

### **Pending concerns in work injuries insurance under the Jordanian Social Security Law**

The way in which work injury insurance has dealt with some cases has received a lot of criticism, which was directly reflected on the injured person in receiving a smooth and quick treatment. These concerns include:

- Article 33 of the Jordanian Social Security Law in grants the Jordanian Social Security Council the right to increase the contribution rate by a maximum 4% in the cases that does not comply with occupational safety and health standards. Therefore, there is a punitive aspect applied to the institutions that witnessed an increase in work injuries. However, despite the need of the Injury Insurance Fund for more money, such increases might

be arbitrary, as they will not reduce the injuries through restricted conditions, but rather it may lead to a reduction in the number of notified cases of work injury by the employer due to fear of punishment.<sup>12</sup>

- Legislation has granted broad powers to the medical committees and the latter may be the one in charge of depriving the injured worker of his rights as well as requiring the proof of the injury.
- Article 2 of the Jordanian Social Security Law states that occupational injury and occupational diseases are specified in Table 1, attached to the Law. Consequently, Jordanian legislation used the open-tables system. Accordingly, under this article, any work or occupational disease not included in the table can only be compensated after lengthy procedures associated with the Board's approval, and after they have added such a disease to the table based on a recommendation from the Medical Reference.
- In accordance with the open-tables system that has been adopted by Jordanian Legislators, in order to identify occupational diseases, there may be some occupational diseases that will be outside the scope of insurance. Table 1 in the Jordanian Social Security Law established a list of occupational diseases that are followed by a description of the disease and a description of the operation. For example, the table listed a description of the Anthrax Disease in item 1. In contrast, it described the treatment of wool, hair, raw leather, and all other works requiring contact with infected animals. However, if the worker were infected with anthrax but did not practice the work described in the table, the injured worker would be outside the coverage limits of occupational disease, and therefore it would not be considered a work injury.
- Article 7 of the Jordanian Social Security Law gives the right to every self-employed Jordanian citizen, employers or household women living inside or outside Jordan to participate voluntarily in social security for the purpose of old age, disability and death insurance in order to receive a pension (early retirement, old age pension, disability, total and permanent or partial disability, and natural death under certain conditions. However, Jordanian legislation has excluded this category from the occupational injury insurance and occupational diseases, thus depriving this category of insurance benefits in this field.

### **Conclusion**

The Jordanian Social Security Law guarantees insurance for work injuries, aging, disability, death, maternity, unemployment, etc. The Jordanian Social Security Corporation has shown high concern for one of the greatest types of insurance for those with work injuries. Medical care is meant to pay the patient the cost of treatment and other expenses such as transportation to treatment places or natural treatments. Also, it covers the provision of medical assistance and rehabilitation equipment required for the condition of the injured person. As for the daily allowance, 75% is paid while the injured worker is temporarily unable to do his job. On the

<sup>12</sup>Dr. Mohammed Khaled Al-Zu'bi, Social Security, Protection of the Elderly between the Market Economy and Social Justice, Dar Wael Publishing and Distribution, Amman, 2013. p. 257.

<sup>11</sup>Dr. Mustafa Ahmed Abu Amro, op. cit., pp. 371-372.

other hand, there are obligations on the employer who has to pay towards the worker's injury, starting with first aid and then, if necessary, moving the injured worker to the approved treatment center. The employer should also notify the Social Security Corporation within 14 working days. Meanwhile, Jordanian legislation has equated between work injury and occupational disease and applied the same provisions in both cases, except that occupational diseases are listed in the tables, and they are allowed to add any new occupational disease through certain procedures, that is, it has adopted the open-tables system. To calculate all of the above payable daily allowances, mathematical equations were derived in order to calculate the daily wages paid during the work injury for the first three days (3DW) incurred by the employer or the following days incurred by the Social Security Corporation, thus calculating the total daily allowance (wage) paid during the work injury.

### Table of Abbreviations

English Term	Term abbreviation
Usual Daily Wage	(UDW)
Days	D
Injury	I
Monthly Wage	(MW)
Whole	W
Whole Wage	(WW)
Daily wage for Injury	(DW)
Daily Wage for Injury for the first 3 days	(3DW)
Daily Wage for Injury after the first 3 days	(4DW)
Total Daily Wage paid During work injuries	(DWI)

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- Jordanian Labor Law and its amendments No. 8 for the year 1996.
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- The Jordanian Social Security Law No. (1) of 2014 and the insurance regulations issued there under.

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