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.