

Law No. 18-12 on Compensation for Workplace Accidents

Reference: Dahir No. 1-14-190 of 6 Rabi I 1436 (29 December 2014) promulgating Law No. 18-12 on compensation for workplace accidents

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Practice areas: Employment law, Civil law

Law 18-12 governs compensation for workplace accidents and commuting accidents: the employer's compulsory insurance, reporting of the accident, coverage of medical care, daily allowances, annuities in the event of permanent incapacity or death, and a conciliation procedure before the insurer followed by litigation before the Court of First Instance.

Workplace accidents and the employer's obligations

- A workplace accident is an accident occurring as a result of, or in the course of, work, as well as a commuting accident between home and the workplace (Art. 3).
- The employer must take out insurance covering workplace accidents with an approved insurance company.
- The victim informs the employer within 48 hours; the employer reports the accident to the insurer within five working days (Art. 14).

Compensation

- Coverage of medical, pharmaceutical and hospital costs; daily allowance during temporary incapacity.
- Annuity in the event of permanent incapacity, calculated on the basis of salary and degree of incapacity; annuities for dependants in the event of death.
- The conciliation procedure before the insurer precedes court proceedings; the Court of First Instance rules on disputes.

Key articles

ART. 3

Any accident, whatever its cause, occurring as a result of, or in the course of, work to any salaried person or any person working in any capacity whatsoever for one or more employers is deemed to be a workplace accident.

ART. 14

The employer or its agent must report any workplace accident to the insurer within five working days from the day on which it became aware of it, failing which penalties apply.

Points to watch

- Have the accident recorded immediately (witnesses, initial medical certificate): this is the key document for recognition of the accident.
- Where the employer is uninsured, the victim may bring a claim directly against the employer and apply to the Guarantee Fund provided for by law.
- Inexcusable fault on the part of the employer allows the annuity to be increased.

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