

EXPLANATION OF EMPLOYMENT INJURY & DISABLEMENT

1. What is an employment injury ?

It is a personal injury caused by an accident or occupational disease arising out of and in the course of his insurable employment within or outside territorial limits of India. The law relating to employment injury has been liberalized. An accident arising in the course of employment is presumed also to have arisen out of employment if there is no evidence to the contrary. An accident which may occur while commuting between the place of residence and workplace is also treated as notional extension of employment, and as a result, and the injury sustained from such an accident is construed as employment injury, if, the nexus between the time, place and circumstances and employment is established, for purpose of disablement or death benefit.

2. Whether the employer is entitled to claim reimbursement in respect of first aid, medical care and transport of the IP who has sustained employment injury ?

Yes. The employer, could furnish the claim along with the supporting document in respect of the expenditure incurred, along with the undertaking from the IP that he / she has not borne any of the expenditure for which reimbursement is being claimed by the employer. The employer should also ensure that Accident report in form-12 is submitted to the branch office to which it is attached to, at the earliest (the report may also be submitted online).

3. What is disablement ?

Disablement is a condition resulting from employment injury which may render the insured persons disabled. The various types of disablement are:

1. Temporary disablement - rendering an insured person incapable of work temporarily and necessitating medical treatment.
2. Permanent Partial disablement – reducing the earning capacity of the insured person.
3. Permanent Total disablement – totally depriving the insured person of the power to do any work.

4. Which of the diseases fall under the category ' occupational diseases' ?

Occupational diseases are such diseases that the IP is susceptible to as a result of engaging in a specific occupation. Contracting any disease while in employment for a specified period in any of the industries listed in Part, A, B & C of Schedule III of the ESI Act, which enumerates the industrial processes involving exposure to the diseases and the corresponding compensable occupational diseases, are thus recognized for payment of disablement benefits without any further evidence.