

Benefits: Industrial injuries benefit no. 6

This leaflet tells you about the benefits which may be available if your illness or injury was sustained at work. It includes information on how to claim and frequently asked questions.



States of Guernsey
Social Security

If, after reading this leaflet, you still have unanswered questions, please contact us on **732507**.

This leaflet should be read with Leaflet 50 which contains all the current benefit payments and contribution rates, available from **www.gov.gg/sicknessandinjury**

This leaflet is for guidance and must not be treated as a complete and authoritative statement of the law.

Contents

General	5
What can I claim?.....	5
How do I claim?	5
What is an accident?	6
What is a prescribed industrial disease?	6
Can everyone claim?	7
How will my claim be decided?.....	7
Industrial Injury Benefit	8
What is industrial injury benefit?.....	8
What does incapable of work mean?.....	8
Who can say I'm unable to work?.....	8
What does my medical certificate mean?	8
How much benefit will I receive?.....	9
How is industrial injury benefit paid?	9
How long will industrial injury benefit be payable for?	10
How often must I send in a medical certificate?	10
How are claims monitored?	11
What is the Work Capability Assessment?	11
Will I be asked to attend a Work Capability Assessment?	12
What happens after a Work Capability Assessment has taken place?	12
Can I return to work earlier than my certificate?	13
Is there any help to get me back to work?	13
What if I'm self-employed?	14
What happens about my contributions while I'm unable to work?	14
What happens if I work but don't inform you?.....	15

What happens if I leave the Island?	15
Industrial Medical Benefit	15
What is industrial medical benefit?	15
Will all treatment relating to my accident be covered?	16
Are prescription charges covered?	16
How do I claim for treatment?	16
Industrial Disablement Benefit.....	17
What is industrial disablement benefit?.....	17
What is the Medical Board?	17
How much industrial disablement benefit will I receive?.	18
How is industrial disablement benefit paid?	18
How long will industrial disablement benefit be payable for?	18
How do I claim industrial disablement benefit?.....	19
When should I claim industrial disablement benefit?	19
What if I am unhappy with the Medical Board's assessment of my disability?	19
What if I am admitted to hospital?.....	20
What changes must I declare?.....	20
What if my medical condition improves?	20
Other information	21
What if I change my bank account?	21
What happens if I leave the Island?	21
What if I don't have enough money to live on?	21
For further information	22
What to do if you have a complaint.....	23
How we collect and use information.....	24

General

Industrial injuries benefits refer to a group of benefits which can be claimed if you have an accident at work or develop certain diseases or conditions (prescribed industrial disease) while at work.

What can I claim?

If you are employed under a contract of service or are liable for self-employed contributions and you have an accident at work, you may be able to claim:-

- A. Industrial injury benefit** - a weekly cash benefit available if you are incapable of all work as a result of the accident;
- B. Industrial medical benefit** - payment of medical fees directly incurred as a result of the accident; and
- C. Industrial disablement benefit** - a weekly cash benefit available if you have a long-term disability (loss of faculty) as a result of the accident.

How do I claim?

You can make a claim for industrial injuries benefits by sending us a medical certificate. This will be provided by your doctor or medical practitioner.

Your doctor will give you two copies of the medical certificate (one pink, one green). The pink copy is for you to complete and return to us. The green copy is for your employer.

You need to complete the medical certificate with details of the accident or how you developed the disease or condition. This should be sent to Social Security without delay. If your claim is received late you may lose some or all of the benefit.

If we need more information before we can make a decision, we may need you or your employer to complete a more detailed questionnaire.

What is an accident?

The definition of an accident (for the purposes of claiming industrial injuries benefits) is described within the Social Insurance Law.

When deciding if you are eligible for industrial injuries benefit we need to consider your description of the event, alongside the definition in the law.

All you need to do is describe exactly what happened. We will decide if your claim can then be treated as an accident.

What is a prescribed industrial disease?

The law includes a list of certain diseases and conditions which are known as prescribed industrial diseases. If you contract a disease or condition as a result of your work and it is listed,

you may be entitled to benefit.

All you need to do is describe exactly how you developed the condition. We will then decide if your claim can be treated as a prescribed industrial disease.

Can everyone claim?

No. Self-employed people over pension age can't claim these benefits.

Neither can self-employed people whose earnings are less than the Lower Earnings Limit and who aren't required to pay self-employed contributions. The current Lower Earnings Limit can be found in Leaflet 50. This leaflet can be found on the website www.gov.gg/sicknessandinjury

How will my claim be decided?

In law, the Administrator of Social Security is responsible for deciding claims. You will be told of the decision in writing. If you are not satisfied with the Administrator's decision, you may appeal to an independent Tribunal within 28 days. The Tribunal consists of an independent chairman and two other members.

Industrial Injury Benefit

What is industrial injury benefit?

Industrial injury benefit is a weekly benefit paid if you are unable to work because of an accident at work or prescribed industrial disease. To get industrial injury benefit you must be unable to work for at least 4 days.

What does incapable of work mean?

You can only be treated as incapable of work if there is no work that you can be reasonably expected to do.

If you can't do physical work but you can do work of a supervisory or managerial nature, you may not be entitled to industrial injury benefit.

Who can say I'm unable to work?

Generally speaking, only a doctor, dentist, physiotherapist, osteopath or chiropractor can say that you are incapable of work. They can do this by completing a medical certificate.

What does my medical certificate mean?

During the medical consultation, your doctor will be thinking about how your illness or injury affects you and what you may still be able to do workwise. Your doctor will ask questions about your job and workplace and may use the medical certificate to provide advice about returning to work.

Your certificate may say you can return to work earlier, if your employer makes certain workplace adjustments. For example, by providing some special equipment or allowing you to work different hours or do different duties. If this is the case, you should talk to your employer about this and what they can do to support your return. Your doctor may also recommend a visit to Occupational Health to get more advice about what changes or workplace adjustments could help you to return to work.

Your employer should talk with you about the doctor's advice and using what they know about the job you do, will decide whether the adjustment is reasonable. If your doctor provides any advice on the medical certificate we will also write to your employer to see if they can support the recommendations.

How much benefit will I receive?

If we can accept your claim as an accident at work or prescribed industrial disease you will be entitled to industrial injury benefit at the full rate. The current rates of benefit are set out in Leaflet 50. This leaflet can be found on the website www.gov.gg/sicknessandinjury

How is industrial injury benefit paid?

Industrial injury benefit is paid weekly in arrears. But as benefit is calculated on a daily basis it means you will receive benefit for each day you are unable to work because of your incapacity.

Industrial injury benefit is normally paid by a weekly voucher, but can easily be paid into your bank account if you'd prefer. Please call the helpline on **732507** to discuss.

Please note that if the voucher is not cashed within 12 months it will expire and can't be replaced.

How long will industrial injury benefit be payable for?

This depends on:-

- your age; and
- your medical condition (whether you're still incapable of all work)

Industrial injury benefit can't be paid if you're entitled to or receiving old age pension, carer's allowance, unemployment benefit or parental benefits.

If you have been paid industrial injury benefit and are still unable to work after 6 months, you may get incapacity benefit. Incapacity benefit is a weekly benefit paid instead of industrial injury benefit. But, there are certain contribution conditions that you must meet before incapacity benefit can be paid.

How often must I send in a medical certificate?

You should send in your medical certificate as soon as you get it. If you have an ongoing claim, it's important that you know when your medical certificate is due to expire. This will avoid any delay in receiving your benefit.

Certificates should be sent to us straightaway, as benefit may be lost if you do not make your claim or submit a new certificate on time.

How are claims monitored?

Most illnesses or injuries only last for a short time. But sometimes there may be very good reasons why someone takes a bit longer to recover.

We need to review all claims to benefit on a regular basis to ensure benefit is paid correctly. From time to time we will contact you to obtain updates on your condition, how it affects you and if there is anything your employer can do which may help you get back to work. Depending on your situation we may contact you by phone, ask you to come into the office, send a review form to you in the post or ask you to attend a Work Capability Assessment.

Social Security's Medical Adviser may also discuss the medical aspects of your claim with your treating doctor. Consent for this is included on each medical certificate you sign.

What is the Work Capability Assessment?

The Work Capability Assessment provides us with an independent opinion about how a person's illness affects their ability to work. The assessment is carried out by doctors who have been approved by the Committee *for* Employment & Social Security.

The doctors doing the assessment will undertake a medical examination and will ask a series of questions before sending us their findings. This will help us decide if you are claiming the right benefit or if there is anything we can do to help you get back to work. A copy of this assessment is also sent to your treating practitioner.

Will I be asked to attend a Work Capability Assessment?

This depends on your medical condition and the length of your claim. It is normal to be asked to attend a Work Capability Assessment if your claim is ongoing or you are still claiming sickness benefit after 5 months. If you are asked to attend a Work Capability Assessment we will write to you to confirm the details.

What happens after a Work Capability Assessment has taken place?

After the examination has taken place the completed report will be sent to us. We will consider the findings and may get in contact with you to discuss your claim.

A copy of the Work Capability Assessment will be sent to your own doctor.

Can I return to work earlier than my certificate?

Yes. You don't have to be 100% better before you go back to work. Neither do you have to wait for the end of the medical certificate. In fact, an earlier return to work can sometimes help people recover from a health problem.

In many jobs / occupations there is no need to be signed back to work by a doctor first. As long as your employer has done a risk assessment their Compulsory Liability Insurance should cover an earlier return to work. But your employer will need to be sure that you can carry out your duties safely.

If you can go back to work before your medical certificate expires, you should contact us straightaway to let us know. Please call the helpline number **732507**.

More information on returning to work can be found on the website www.gov.gg/sicknessandinjury

Is there any help to get me back to work?

We know that being away from the workplace for a long-time can make it much harder to return. Back to work benefits are aimed at helping people return to work after an illness or injury. They include things like training and options for returning to work gradually. If you are no longer able to return to your previous job or perhaps you need 1-2-1 support, our work rehabilitation team may be able to support you.

To find out how we can help you back to work, call the helpline on **732507**.

What if I'm self-employed?

As you need to be incapable of all work to claim sickness or incapacity benefit, you must not carry out any work without checking with us first.

This doesn't just mean the 'hands on' part of self-employment, it also includes activities such as managing or supervising, pricing a job, dealing with correspondence and attending meetings.

You must contact us if you're capable of work or intend to do any of these things. The helpline number is **732507**.

What happens about my contributions while I'm unable to work?

If you're employed

If you are employed and continue to receive wages, you will still be liable to pay contributions in the normal way. Your employer will adjust the amount of social insurance contributions you need to make, to take into account any sickness or incapacity benefit you receive.

If you're employed but don't receive wages, you will receive a credit for any contribution week during which you are incapable of work for 4 days or more. This is done to protect your contribution record while you're unable to work.

If you are self-employed

If you're self-employed, you will not be liable for a contribution if you're incapable of work for 4 days or more. Anyone

receiving a contribution credit should delete the relevant week shown on the contribution card and reduce their quarterly payment accordingly.

What happens if I work but don't inform you?

If you're claiming industrial injury benefit and you carry out any work, without our prior agreement, you are committing an offence.

If you are in any doubt about what is meant by work, please seek advice from the Incapacity Benefits team. The helpline number is **732507**.

What happens if I leave the Island?

Industrial injury benefit is not normally payable if you leave the Island for any period of time. But, this depends on why you are leaving and for how long.

If you intend to leave the Island for any reason you should call the helpline on **732507** to discuss your claim.

Industrial Medical Benefit

What is industrial medical benefit?

Industrial medical benefit is used to pay for medical treatment connected with your accident at work. It can also be used to pay for treatment if you develop certain diseases or conditions at work.

Will all treatment relating to my accident be covered?

If we can accept your claim, we will pay medical fees for treatment relating to your accident. But, we can't pay for any private medical treatment whether this takes place locally or off-island.

Please note, you must always claim your health benefit consultation grant when you are seen by a doctor or nurse.

If you need physiotherapy and are referred by a consultant, this should be covered under the contract we have with Guernsey Therapy Group. If you choose to see a physiotherapist from a different practice, the cost would not be covered by your industrial medical benefit claim.

Are prescription charges covered?

No. Industrial medical benefit does not cover prescription charges. You will need to pay the prescription or appliance charge for any drugs or medicines that you need.

How do I claim for treatment?

You should send in your medical certificate as soon as you get it. When we receive your certificate we will issue a form to your treating practitioner to confirm that we will pay for your treatment.

We will only continue paying for treatment if we accept it still relates to your accident at work.

Industrial Disablement Benefit

What is industrial disablement benefit?

If your claim for industrial injury benefit or industrial medical benefit is accepted you may be entitled to claim industrial disablement benefit. To receive industrial disablement benefit you must have a long-term disability as a result of your accident at work or from the effects of a prescribed disease contracted at work.

The degree of disability is decided by a Medical Board.

Industrial disablement benefit is a weekly benefit which can be paid if you have a long-term disability as a direct result of an accident at work. It can also be paid if your disability is caused by a prescribed industrial disease. You can receive this benefit and still go out to work. The benefit can still be paid to people over pension age.

What is the Medical Board?

The Medical Board refers to a group of doctors who have been approved by the Committee *for* Employment & Social Security to carry out assessments. The Medical Board is used to assess the degree of disability you have following an accident at work or prescribed industrial disease.

The doctors doing the assessment will undertake a medical examination and give you a chance to describe how the condition affects your life.

We will receive a copy of the assessment and will write to you to confirm the decision made.

How much industrial disablement benefit will I receive?

This depends on the assessment made by the Medical Board. The Medical Board will award a percentage that indicates the effect of your disability. The rates payable are set out in Leaflet 50. This leaflet can be found on the website www.gov.gg/sicknessandinjury

Please note, industrial disablement benefit is only payable if the Medical Board thinks that the effects of your disability are more than 20%.

How is industrial disablement benefit paid?

Industrial disablement benefit is paid into your bank account weekly in advance.

How long will industrial disablement benefit be payable for?

This depends on the assessment made by the Medical Board. During your examination the Medical Board will decide how long the assessment should last.

If you are entitled to industrial disablement benefit we will write to you to tell you how long the benefit is payable for. You will be asked to attend another assessment before the end of this period, or sooner if your condition improves.

How do I claim industrial disablement benefit?

To claim industrial disablement benefit please call the Incapacity Benefits helpline on **732507** and ask for a claim form.

When should I claim industrial disablement benefit?

The date you can make your claim will depend on your situation:-

- If you have not been off work as a result of the accident or disease, you should claim straightaway;
- If you have been off work as a result of the accident or disease for less than 6 months, you should claim as soon as you are fit for work again;
- If you have been off work as a result of the accident or disease for more than 6 months, you should claim straightaway.

What if I am unhappy with the Medical Board's assessment of my disability?

If you are unhappy with the assessment made by the Medical Board you can ask for your case to be looked at again. But this can only happen if you have new medical evidence or the Board did not have all the relevant information at the time you were examined.

You may also ask for your case to be looked at again if you have medical evidence to show that your condition has become worse.

What if I am admitted to hospital?

If you go into hospital as a direct result of the condition you may be entitled to extra benefit. To find out more please contact the Incapacity Benefits helpline on **732507**.

What changes must I declare?

If you're receiving any benefit you must tell Social Security or the States Office in Alderney straight away about any changes in your circumstances that will affect your entitlement.

What if my medical condition improves?

If your medical condition improves and you are receiving industrial injury benefit or industrial disablement benefit, you should call the Incapacity Benefits helpline on **732507** or write to us to explain the change.

Other information

What if I change my bank account?

If you want your benefit paid into a different account you will need to write to us with the new details.

We cannot make any bank changes without your signature.

What happens if I leave the Island?

If you intend to leave the Island for any reason you should call the helpline on **732507** to discuss your claim.

What if I don't have enough money to live on?

If you're having difficulty managing on your income, you may be able to get help from supplementary benefit. Supplementary benefit is a means-tested benefit. To find out more please call the Supplementary Benefit helpline on **732508**.

For further information

If you are unsure of the meaning of any particular point in this leaflet, please contact Social Security, or the Alderney States Office, where staff will be pleased to help you, and from where copies of other leaflets may be obtained.

More information is also available on the States website here: www.gov.gg/sicknessandinjury.

If you are a parent or carer of a child with a disability or a disabled adult and would like information about support, services and activities in Guernsey you may find this website useful: www.signpost.gg

If you are writing to Social Security, please quote your social insurance number, if known.

What to do if you have a complaint

If you are dissatisfied with any aspect of our services please let a member of staff know at the time so that we can try to resolve the issue immediately. If you wish to make a formal complaint to Social Security, please contact us for a complaints leaflet and return the completed complaints form to **Social Security, Edward T. Wheadon House, Le Truchot, St Peter Port, GY1 3WH.**

You can also request more information by email and return your complaint form to **socialsecuritycomplaints@gov.gg** or send your complaint or a compliment to us online at the States website, by visiting **www.gov.gg/ccs** and completing the electronic form.



How we collect and use information

Social Security processes personal information for social security purposes in order to carry out functions relating to the relevant social security and associated legislation that it administers. The information collected will depend on your business with us, but will be no more than is required for that purpose. We may get information about you from others for any of our purposes if the law allows us to do so. We may also share information with certain other organisations if the law allows us to. Any personal information you give to us will be processed in accordance with the Data Protection (Bailiwick of Guernsey) Law, 2001. If you wish to know more about the information we have about you, or about the way we use it, you can ask at the Office of the Committee *for* Employment & Social Security or by emailing **employmentandsocialsecurity@gov.gg**

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