

# Protection under the Employees' Compensation Ordinance for employees contracting the Severe Respiratory Disease associated with a Novel Infectious Agent in the course of work

In response to media reports that employees, including medical staff, would not be entitled to protection under the Employees' Compensation Ordinance (ECO) if they contract the Severe Respiratory Disease associated with a Novel Infectious Agent (novel coronavirus), a Government spokesman made the following clarification today (February 10):

According to ECO, if an employee sustains an injury or dies as a result of an accident arising out of and in the course of his employment, or suffers from an occupational disease prescribed by ECO, his employer is in general liable to pay compensation under ECO. Although Severe Respiratory Disease associated with a Novel Infectious Agent is not a prescribed occupational disease under ECO, section 36 of ECO stipulates that an employee may still claim compensation under the Ordinance for a disease if it is a personal injury by accident arising out of and in the course of employment.

If an employee contracts or suspects having contracted novel coronavirus by accident arising out of and in the course of his employment, he should inform his employer immediately so that his employer can notify the Labour Department (LD) of the injury. If the employee has doubt as to whether his employer has reported the injury to LD, he could approach the Employees' Compensation Division of LD direct.

For government employees, if an employee contracts novel coronavirus by accident arising out of and in the course of his employment, the Government, as the employer, will make compensation in accordance with the relevant legislation (including ECO or the relevant pensions legislation) and terms of appointment.

The LD understands that there are proposals to amend the law in the community and is looking into this issue. Nonetheless, in prescribing a new occupational disease, we have to clearly specify in the legislation what industries and processes in which the employees are engaged have definite risks posed by the disease, as well as the prescribed period within which the employees must have been employed to work in those industries and processes. As the outbreak situation of novel coronavirus is still developing, the legislative amendment can only be made when definite medical and epidemiological information is available. In the process, it is also necessary to discuss the details with stakeholders, including the insurance sector and employees and employers of related industries. The LD will closely

monitor the above developments and consult stakeholders about the legislative amendments in due course.