



BELIZE

**WORKMEN'S COMPENSATION ACT
CHAPTER 303**

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CHAPTER 303

WORKMEN'S COMPENSATION

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CHAPTER 303

WORKMEN'S COMPENSATION

11 of 1959.
 S.I. 32 of 1960.
 2 of 1963.
 31 of 1963.
 40 of 1963.
 3 of 1978.
 CAP. 240,
 R.E. 1980-1990.
 42 of 1999.

[15th September, 1960]

PART I

Preliminary

1. This Act may be cited as the Workmen's Compensation Act.

Short title.

2.-(1) In this Act, unless the context otherwise requires,

Interpretation.

“adult” and “minor” mean respectively a person who is not and a person who is under the age of eighteen years;

3 of 1978.

“dependants” means such of the members of a workman's family as were wholly or in part dependent upon the wages of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent, and where the workman being the parent or grandparent of an illegitimate child leaves such a child so dependent upon his wages or, being an illegitimate child, leaves a parent or grandparent so dependent upon his wages, shall include such an illegitimate child and parent or grandparent respectively, but a person shall not be deemed a partial dependent of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessities of life suitable for persons in his class and position;

“employer” includes the Government of Belize and any person or body of persons corporate or un-incorporate and the legal personal representative of a deceased employer, and, where the services of a workman are

temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship the latter shall for the purposes of this Act except as is provided in section 22 (1) of this Act, be deemed to continue to be the employer of the workman whilst he is working for that other person.

In relation to a person engaged in plying for hire with any vehicle or vessel, the use of which is obtained by that person under a contract of bailment (other than a hire purchase agreement) the person from whom the use of the vehicle or vessel is so obtained shall be deemed to be the employer.

In relation to a person employed for the purposes of any game or recreation and engaged or paid by a club, the manager or members of the managing committee of the club shall for the purposes of this Act, be deemed to be the employer;

“Labour Commissioner” includes the person from time to time in charge of the Labour Department;

“manager”, in relation to a ship, means the ship’s husband or other person to whom the management of the ship is entrusted by or on behalf of the owner;

“medical practitioner” means a person registered under the Medical Practitioners’ Registration Act or any Act, Cap. 318 thereby repealed, and includes a Government Medical Officer;

“member of a family” means wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister, niece or nephew and shall include any child or children, not specifically mentioned, living with the deceased at the time of his death and wholly or mainly dependent upon his earnings and such other person as was at the time of the injury living in the household of the worker and was wholly or mainly dependent upon his earnings;

“partial incapacity” means, where the incapacity is of a temporary nature, such incapacity as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting

in the incapacity, and where the incapacity is of a permanent nature, such incapacity as reduces his earning capacity in every employment which he was capable of undertaking at that time, but all injuries specified in the First Schedule shall be deemed to result in permanent partial incapacity;

“personal injury by accident” includes snakebite;

“scheduled disease” means any occupational disease specified in the Second Schedule;

“ship”, “vessel”, “seaman” and “port” have the same meaning as in the Merchant Shipping Act, 1894, c. 60;

“total incapacity” means such incapacity whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such incapacity. Permanent total incapacity shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in the First Schedule where the aggregate percentage of the loss of earning capacity, as specified in the First Schedule against those injuries, amounts to one hundred *per centum*;

“wages” includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment, or remuneration for overtime not habitually performed or remunerated at a special rate;

In the case of temporary disablement, the privileges and benefits which the injured workman or any of his dependents continue to enjoy during the period of the disablement shall not be deemed to be benefits for the purpose of calculating wages;

“workman”, subject to the exceptions mentioned in this section, means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or

implied, is oral or in writing and whether the remuneration is calculated by time or by work done; (and also includes a person engaged in fishing on board any fishing vessel or plying for hire with any vehicle or vessel, the use of which is obtained by that person under any contract of bailment (other than a hire-purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise).

The following persons shall be excepted from the definition of workman,

- (a) any person employed otherwise than by way of manual labour whose earnings, calculated in accordance with the provisions of section 11, exceed four thousand dollars a year;
- (b) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business not being a person employed for the purposes of any game or recreation and engaged or paid through a club;
- (c) an outworker, that is to say, a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the articles or materials;
- (d) a member of the Belize Police Department;
- (e) a person in the civil employment of the Public Service otherwise than in the Government of Belize who had been engaged in a place outside Belize;
- (f) a person in the naval, military or air services of the Government;
- (g) a member of the employer's family dwelling in his house.

42 of 1999.

11 of 1959.

(2) Any reference to a workman who has been injured shall, where the workman is dead include a reference to his legal personal representative or to his dependents or other person to whom or for whose benefit compensation is payable.

(3) If on any proceedings for the recovery of compensation under this Act it appears to the court by which the claim for compensation is to be settled that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened, was illegal, the court shall, if having regard to all the circumstances of the case it thinks proper to do so, deal with the matter as if the injured person had at the time of the accident been a person working under a valid contract of service or apprenticeship.

(4) The exercise and performance of the powers and duties of a department of Government or of a local authority shall, for the purposes of this Act, be deemed to be the trade or business of the Government department or the local authority.

PART II

Compensation

3.—(1) If in any employment a workman suffers personal injury by accident arising out of and in the course of the employment, his employer shall be liable to pay compensation in accordance with this Act.

Employer's liability for compensation.

(2) Where an accident arises out of employment it shall be presumed, unless the contrary is shown, to have occurred in the course of the employment, and where the accident occurred in the course of the employment, it shall be presumed, unless the contrary is shown, to have arisen out of the employment.

(3) An employer shall not be so liable under this Act for such compensation if,

- (a) the injury does not incapacitate the workman whether totally or partially for a period of more than three days;
- (b) the accident is proved to be attributable to the workman's own serious and wilful misconduct which shall include,
 - (i) his being under the influence of drugs or an intoxicating drink;
 - (ii) a contravention of any law, regulation or order, whether statutory or otherwise, expressly made for the purpose or ensuring the safety or health of workmen, or of preventing accidents to workmen, if the contravention was committed deliberately or with a reckless disregard of the terms of the law, regulation or order;
 - (iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen; or
 - (iv) any other act or omission which the Court may, having regard to all the circumstances of an accident, declare to be serious and wilful misconduct;
- (c) it is proved that the accident would not have occurred or in so far as the incapacity or death would not have been caused, but for a pre-existing diseased condition of the workman; that the workman had not been medically examined through his own fault, in accordance with the provisions of the Labour Act, Cap. 297;
- (d) death or incapacity results from personal injury if the workman has at any time represented to the employer that he was not suffering from that or a similar injury, knowing that the representation was false.

20 of 1963.

(4) An accident resulting in the death or total and permanent disablement of a workman shall be deemed to arise out of and in the course of his employment and the employer is liable to pay compensation notwithstanding that the workman was at the time when the accident happened acting in contravention of any statutory or other regulation applicable to his employment, or of any orders given by or on behalf of his employer, if such act was done by the workman for the business of and in connection with his employer's trade or business.

4. An accident happening to a workman in or about any premises at which he is for the time being employed for the purposes of his employer's trade or business, shall be deemed to arise out of and in the course of his employment, and the employer shall be liable to pay compensation, if the accident happens while he is taking steps on an actual or supposed emergency at those premises, to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimise serious damage to property.

Accidents happening while meeting emergency.

5. An accident happening to a workman while he is travelling to or from his place of work as a passenger by any vehicle, ship, vessel or aircraft provided by his employer shall be deemed to arise out of and in the course of his employment. An accident happening to a workman travelling to or from his place of work as a passenger in any other vehicle, ship, vessel or aircraft shall not be deemed to arise out of and in the course of his employment unless the employer has given express or implied permission to use such other transport, or has paid for the use of such other transport.

Accident while travelling.

11 of 1959.

11 of 1959.

6.-(1) In every case where injury arising out of and in the course of his employment has been sustained by a workman, the employer shall irrespective of whether the workman is disqualified for compensation under section 3 of this Act be liable to pay to the workman or to any other person advancing the same the reasonable expenses of conveying, where necessary, the injured workman from the place of the accident to the place of treatment and thence to his residence.

Liability of employer for expenses of conveyance to place of treatment and for expenses of treatment.

(2) Where medical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to a workman arising out of and in the course of his employment and the treatment or examination

so required (in this section referred to as “emergency treatment”) is effected by a medical practitioner, the employer shall irrespective of whether the workman is disqualified for compensation under section 3 of this Act be liable to pay to the practitioner,

- (a) a fee prescribed by regulations made under this Act in respect of each workman in whose case emergency treatment is effected by the practitioner; and
- (b) a sum in respect of any distance which the practitioner must cover in order to proceed from the place whence he is summoned to the place where the emergency treatment is carried out by him and to return to the first mentioned place, equal to the travelling allowance paid by the Government to officers in the employment of Government, provided that the minimum sum to which the medical practitioner shall be entitled shall not in any case be less than the amount to which the practitioner would be entitled had he travelled a distance of two miles.

(3) The employer shall irrespective of whether the workman is disqualified for compensation under section 3 of this Act, be liable to pay to the workman or to any other person providing the same the reasonable cost, charges and expenses (which shall include travelling expenses necessary as a result of periodic medical treatment prescribed by a medical practitioner and also expenses incurred by the workman in establishing his claim to compensation, provided he does so successfully) in respect of any medical treatment given to the workman in consequence of any personal injury sustained by him and arising out of and in the course of the workman's employment by that employer, such cost, charges and expenses being adjusted to the workman's station in life and his actual physical condition occasioned by the injury.

7.-(1) The compensation shall be payable to or for the benefit of the workman, or, where death results from the injury, to or for the benefit of his dependents as provided by this Act.

To whom compensation payable.

(2) Where there are both total and partial dependents nothing in this Act shall be construed as preventing the compensation from being allotted partly to the total and partly to the partial dependants.

(3) Where a dependant dies before a claim under this Act is made, or, if a claim has been made, before an agreement or an order of the court has been arrived at or made, the legal personal representative of the dependant shall have no right to payment of compensation, and the amount of compensation shall be calculated and apportioned as if that dependant had died before the workman.

8.-(1) Subject to this Act, the amount of compensation shall be as follows,

Amount of compensation.

- (a) where death results from the injury and,
 - (i) the workman leaves a dependant or dependants wholly dependant upon his earnings, a sum equal to forty-two months wages with a minimum of two thousand seven hundred and fifty dollars and a maximum of five thousand five hundred dollars;
 - (ii) the workman does not leave a dependant or dependants wholly dependant upon his earnings but leaves a dependant or dependants in part so dependent, such sum not exceeding the amount of compensation payable under the preceding subparagraph as may be agreed upon, or in default of agreement as may be awarded by the court to be reasonable and proportionate to the injury to the said dependant or dependants;
- (b) where permanent total incapacity results from the injury,
 - (i) in the case of an adult, a sum equal to fifty-four months wages with a minimum of three thousand six hundred and fifty dollars and a maximum of seven thousand three hundred dollars;

- (ii) in the case of a minor, a sum equal to one hundred and eight months' wages with a minimum of three thousand six hundred and fifty dollars and a maximum of seven thousand three hundred dollars;
- (c) where permanent partial incapacity results from the injury,
 - (i) in the case of an injury specified in the First Schedule a percentage of the compensation which would have been payable in the case of permanent total incapacity as is specified therein as being the percentage of the loss of earning capacity caused by the injury; and
 - (ii) in the case of an injury not specified in the First Schedule, a percentage of the compensation payable in the case of permanent total incapacity as is proportionate to the loss of earning capacity permanently caused by the injury,

Provided that such compensation may be increased having regard to the nature of the injury sustained in relation to the workman's type of work and other circumstances. Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated, but not so in any case as to exceed the amount which would have been payable if total incapacity had resulted from the injuries;

- (d) where temporary incapacity, whether total or partial, results from the injury, a periodic payment payable within five days, if practicable, but in any case not later than sixteen days from the date of incapacity (and thereafter at regular intervals corresponding to the normal intervals of pay during the incapacity or during a period of five years, whichever is shorter) based on the following scales-

- (i) where the workman's wages are fifty-five dollars a month or less, one hundred *per centum* of the full wages of a month;
- (ii) where the workman's wages exceed fifty-five dollars a month but do not exceed seventy dollars a month, fifty-five dollars; 2 of 1963.
- (iii) where the workman's wages exceed seventy dollars a month but do not exceed eighty-five dollars a month, seventy dollars; 2 of 1963.
- (iv) where the workman's wages exceed eighty-five dollars a month fifty *per centum* of the full wages of a month with a minimum of eighty dollars.

(2) The period of the incapacity shall be deemed to commence on the day of the accident.

(3) In the event of death or permanent incapacity, total or partial, following temporary incapacity, any lump sum payable in respect of the death or permanent incapacity may be reduced by the amount of any periodic payments made in respect of and during temporary incapacity, provided that such reduction shall not exceed half of any such lump sum.

(4) No periodic payment shall in any case exceed the difference between the amount of the wages of the workman before the accident and the amount of his wages as he is earning or is able to earn during the period of incapacity in some suitable employment or business after the accident.

(5) On the ceasing of the incapacity before the date on which any periodic payment falls due, there shall be payable in respect of that period a sum proportionate to the duration of the incapacity in that period.

9. Subject to this Act, where an injury results in permanent total incapacity of such a nature that the injured workman must have the constant help of another person, additional compensation shall be paid amounting to one quarter of the amount which is otherwise payable under section 8 of this Act.

Additional compensation.

Artificial limbs
and apparatus.

10.—(1) Where an accident arising out of and in the course of his employment has caused the loss of a limb or other mutilation and the supply of an artificial member or members and apparatus (including dental appliances and artificial eyes) will improve the earning capacity of an injured workman, the artificial member or members and apparatus shall be provided at the expense of the employer and the rate of compensation payable shall be reduced in proportion to the improvement in earning capacity resulting from the use of the artificial member or members and apparatus.

(2) The court may order an employer to pay for the replacement or repair of any artificial member or members and apparatus damaged as a result of an accident arising out of and in the course of a workman's employment by that employer.

Method of calculating wages.

11.—(1) For the purposes of section 8 of this Act, the monthly wages of a workman shall be calculated as follows,

- (a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period;
- (b) in other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period,

Provided that,

- (i) where by reason of the shortness of the time during which the workman has been in the employment of an employer or the absence of

proper records of the workman's earnings or the casual nature of the employment, or the terms of the employment, it is impracticable at the date of the accident to compute a rate of remuneration which would be representative of the workman's average monthly earnings, regard may be had to the average monthly amount, which, during the twelve months previous to the accident, is being earned by a person of average diligence or ability in the same category employed at the same work by the same employer, or, if there is no such person so employed, by such a person in the same category employed in the same class or employment and in the same district;

- (ii) where in any case it seems more equitable compensation may be awarded, having regard to the earnings of the workman at the time of the accident.

(2) A period of service shall, for the purpose of this section, be deemed to be continuous which has not been interrupted by the period of absence from work exceeding fourteen days.

12.-(1) Any periodic payment payable under this Act either under an agreement between the parties or under an order of a court may be reviewed by a court on the application either of the employer or the workman if,

Review of periodic payments.

- (a) where the review takes place more than six months after the accident, it is claimed and proved that, had the workman remained uninjured and continued in the same class of employment as that in which he was employed at the date of the accident his average monthly earnings during the twelve months immediately preceding the review would, as a result of fluctuations in the rates of remuneration, have been greater or less by more than twenty per cent than his average monthly earnings during the twelve months previous to the accident (or

if the periodic payment has been previously varied on a review during the twelve months previous to that review or the last of such reviews), the periodic payment shall be varied so as to make it such as it would have been if the rates of remuneration obtaining during the twelve months previous to the review had obtained during the twelve months previous to the accident;

- (b) there has been a change in the condition of the workman, in which case the application shall be accompanied by the certificate of a medical practitioner, or subject to regulations made under this Act, an application made without the certificate.

(2) Any periodic payment may, on review under this section, subject to the other provisions of this Act, be continued, increased, decreased or ended, or if the incapacity is found to have resulted in permanent incapacity, be converted to the lump sum to which the workman is entitled.

13. An employer shall not be entitled otherwise than in pursuance of an agreement to end or diminish a periodic payment except in the following cases,

- (a) where a workman in receipt of a periodic payment in respect of total incapacity has actually returned to work;
- (b) where the earnings of a workman in receipt of a periodic payment in respect of partial incapacity have actually been increased;
- (c) where the medical practitioner who has examined the workman under section 18 of this Act or, in his absence, any other medical practitioner has certified that the workman has wholly or partially recovered, or that the incapacity is no longer due in whole or in part to the accident, and a copy of the certificate (which shall set out the grounds of the opinion of the medical

Cases in which employers may alter periodic payment.

practitioner) together with notice of the intention of the employer from the date of the service of the notice to end the periodic payment, or to diminish it by the amount as is stated in the notice, has been served by the employer upon the workman,

Provided that,

- (a) in the case mentioned in paragraph (c) of this section, if before the expiration of ten clear days from the date of the service of the notice the workman sends to the employer the report of another medical practitioner (which report shall set out the ground of his opinion) disagreeing with the certificate so served by the employer (and for which report the employer shall pay) the periodic payment shall not be ended or diminished except in accordance with such report, or if and so far as the employer disputes such report except in accordance with the certificate given by the medical referees in pursuance of section 52 of this Act; and
- (b) where an application has been made in pursuance of section 52 of this Act, to refer the dispute to a medical referee, the employer may, pending the settlement of the dispute pay into court,
 - (i) where the notice was a notice to end the periodic payment, the whole of each periodic payment becoming payable in the meantime;
 - (ii) where the notice was a notice to diminish the periodic payment, so much of each periodic payment so payable as is in dispute; and the sum so paid into court shall, on the settlement of the dispute, be paid to the employer or to the workman, according to the effect of the certificate of the medical referee, or, if the

effect of that certificate is disputed as in default of agreement, may be determined by the court, or, on appeal by the Supreme Court;

- (c) nothing in this section shall be construed as authorizing an employer to end or diminish a periodic payment in any case in which, or to an extent to which, apart from this section he would not be entitled to do so.

Distribution of compensation on death.

14.-(1) Compensation payable where the death of a workman has resulted from an injury shall be paid into court, and any sum so paid in shall be apportioned among the dependants of the deceased workman or any of them in such proportion as the court thinks fit, or may, in the discretion of the court be allotted to any one of the dependants, and the sum so allotted to any dependant shall be paid to him or be invested, applied or otherwise dealt with for his benefit in a manner as the court thinks fit.

(2) Compensation payable where permanent incapacity has resulted from an injury shall be paid into court, and any sum so paid shall be paid to the person entitled thereto or be invested, applied or otherwise dealt with for his benefit in such manner as the court thinks fit.

(3) Any other compensation payable under this Act, may be paid into court and, when so paid in, shall be paid by the court to the person entitled thereto.

(4) The receipt of the clerk of the court shall be sufficient discharge in respect of any amount paid in under this Act.

(5) On the payment in of any money under subsection (1) of this section, the court may deduct therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding fifty dollars and pay it to the person by whom the expenses were incurred, and shall, if the court thinks necessary, cause notice to be published, or to be served on each dependant in such manner as the court thinks fit calling upon the dependants to appear before it on a date as it may fix for determining the distribution of the compensation. If the court is satisfied, after any inquiry which it may consider necessary, that no dependant exists, the court shall pay the balance of the money

after deduction of hospital and other medical expenses incurred to the employer by whom it was paid. The court shall, on application by the employer, furnish a statement showing in detail all disbursements made.

(6) Where a periodic payment is payable under this Act to a workman under any legal disability, the court may, of its own motion or on application made to it in this behalf, order that the weekly payment be paid during the disability to any dependant of the workman or any other person whom it thinks best fitted to provide for the welfare of the workman.

(7) Where, on application made to the court in this behalf or otherwise, the court is satisfied that, on account of neglect of children on the part of a parent, or on account of the variation of the circumstances of any dependant, or for any other sufficient cause, an order of the court as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with, ought to be varied, the court may make an order for the variation of the former order as it thinks just in the circumstances of the case,

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

(8) The attorney-at-law or agent of a person claiming compensation under this Act shall not be entitled to recover from him any costs in respect of such claim or to claim a lien in respect of such costs on, or deduct such costs from, the sum awarded or agreed as compensation, except a sum as may be awarded by the court, subject to regulations made under this Act, on an application made either by the person claiming compensation, or by his attorney-at-law or agent, to determine the amount of the costs to be paid to the attorney-at-law or agent.

15. Except as provided by this Act, no lump sum or periodic payment payable under this Act shall be capable of being assigned, charged or attached or shall pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

Compensation not to be assigned, attached or charged.

PART III

Conditions of Compensation

Requirements as to notice of accident and claim for compensation.

16.—(1) Proceedings for the recovery under this Act of compensation for any injury shall not be maintainable unless,

- (a) written or oral notice of the accident has been given as soon as practicable after the happening thereof;
- (b) written or oral notice of the accident has been given before the workman has voluntarily left the employment in which he was injured;
- (c) the claim for compensation with respect to the accident has been made within eighteen months from the occurrence of the accident causing the injury;
- (d) in the case of death the claim for compensation has been made within six months after the date of death or within eighteen months after the date of the accident;
- (e) in the case of death occurring more than six months after the accident causing injury, a claim for compensation has been made by the workman within eighteen months of the accident,

Provided that,

- (i) any defect or inaccuracy in the notice shall not be a bar to the maintenance of such proceedings if it is found in the proceedings for settling the claim that the employer is not, or would not, if an amended notice were then given and the hearing postponed, be prejudiced in his defence by the defect or inaccuracy or that such defect or inaccuracy was occasioned by mistake, absence from Belize or other reasonable cause;

- (ii) the failure to make a claim within the period specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by absence from Belize or other reasonable cause;
- (iii) the failure to give such notice or make a claim within the period specified shall not be a bar to the maintenance of such proceedings if there be an acknowledgment in writing, signed by the employer or his authorized agent, that he waives compliance with this section and this section shall be deemed to be waived to the extent set out in such acknowledgement;
- (iv) if the employer or his authorised agent admits liability to pay compensation, it shall not be necessary for the workman to give any such notice, and the claim for compensation may be made within three months after the date of the admission of liability;
- (v) the want of a notice shall not be a bar to the maintenance of proceedings if the employer is proved to have had knowledge of the accident from any other source at or about the time of the accident.

(2) Notice in respect of an injury under this Act may be given to the employer (or if there is more than one employer to one of such employers) or to any foreman or other official under whose supervision the workman is employed, or to any person designated for the purpose by the employer, and shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident happened.

(3) The notice, if in writing, may be given by delivering it at or sending it by post in a registered letter addressed to the residence or place of business of the person to whom it is to be given.

(4) Where the employer is a body of persons, corporate or un-incorporate, the notice, if in writing, may also be given by delivering it or by sending it by post in a registered letter addressed to the employer, at the office, or if there be more than one office any one of the offices of such body.

(5) The workman shall, if required by his employer, supply to him such further particulars of the accident and of the injury as the employer may reasonably require.

Periodic payments may be redeemed by lump sum.

17. If a workman receiving a periodic payment ceases to reside in Belize, such periodic payments shall thereupon be redeemed by a lump sum to be determined by agreement between the parties and if the parties cannot agree, as may be determined by the court on the application of either party.

Medical examination after notice of accident.

18.—(1) Where a workman has given notice of an accident or where an accident has occurred in respect of which the necessity of giving notice under this Act is dispensed with, he shall, if so required by the employer, submit himself for examination by a medical practitioner provided and paid by the employer.

(2) The workman shall, when required, attend upon that medical practitioner at the time and place notified to the workman by the employer, provided the time and place is reasonable.

(3) In the event of the workman being, in the opinion of any medical practitioner whatever, unable or not in a fit state to attend on the medical practitioner named by the employer, that fact shall be notified to the employer, and the medical practitioner so named shall fix a time and place for a personal examination of the workman and shall send him notice accordingly.

(4) If the workman refuses or wilfully neglects to submit himself to such examination, or in any way wilfully obstructs or unnecessarily delays the examination, his right to compensation and to take or prosecute any

proceedings under this Act in relation to compensation, shall be suspended until the examination has taken place.

(5) The workman is entitled to have his own medical practitioner present at the examination, but at his own expense.

(6) Where the workman is not attended by a medical practitioner he shall, if so required by the employer, submit himself for medical treatment by a medical practitioner selected by the employer without expense to the workman.

(7) If the workman has refused to submit himself to treatment by a medical practitioner when so required under subsection (6) of this section, or having submitted himself to such treatment has disregarded the instructions of the medical practitioner, then if it is thereafter proved that the refusal or disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting incapacity shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had submitted himself to treatment by, and duly carried out the instructions of the medical practitioner, and compensation, if any, shall be payable accordingly.

(8) Where a claim for compensation is made in respect of the death of a workman, then if the workman had refused or wilfully neglected to submit himself to examination by a medical practitioner when so required under this section, or had wilfully obstructed or unnecessarily delayed the examination or had refused to submit himself to treatment by a medical practitioner when so required under this section or, having submitted himself to treatment, had disregarded the instructions of the medical practitioner, and if it is thereafter proved that the refusal, neglect, obstruction, delay or disregard was unreasonable in the circumstances of the case and that death of the workman was caused thereby, the death shall not be deemed to have resulted from the injury and no compensation shall be payable.

19. Any workman receiving periodic payments under this Act shall, if so required by the employer, from time to time but at reasonable intervals, submit himself for examination by a medical practitioner provided and paid by the employer and section 18 of this Act, shall apply to any such examination.

Medical examination of workman receiving payments.

No compensation payable for period of suspension of right.

Agreements for payment of compensation.

20. Where under this Act a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension.

21.—(1) The employer and the workman may, after the injury in respect of which the claim to compensation has arisen, agree in writing as to,

- (a) the amount to be paid by the employer as compensation in respect of the incapacity of the workman resulting from that injury;
- (b) any other matter under this Act; and such agreement shall be forwarded through the Labour Commissioner to the court which may on the application of either party or the Labour Commissioner within three months cancel it and make such order (including an order as to any sum already paid under the agreement) as in the circumstances may be thought just if it is of the opinion that,
 - (i) the sum paid or to be paid was or is inadequate or excessive;
 - (ii) the agreement was obtained by such fraud, undue influence, misrepresentation or other improper means, as would in law be sufficient ground for avoiding an agreement; or
 - (iii) the agreement was entered into in ignorance of or under a mistake as to the true nature of the injury.

(2) Any such agreement may on application to the magistrate be made a judgment of the court under this Act.

(3) Where it is desired to have an agreement made a judgment of the court, a memorandum thereof shall be sent by any interested party to the clerk of the court who shall, subject to the provisions contained in this section, on being satisfied as to its genuineness, record such memorandum in a special register, and thereupon the memorandum shall for all purposes be enforceable as a judgment of the court,

Provided that,

- (a) no such memorandum shall be recorded before fourteen days after the despatch by the clerk by registered post of notice to the parties interested; and
- (b) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation under this Act and the employer proves by affidavit that the workman has in fact returned to work and is earning wages as he did before the accident, and objects to the recording of such memorandum, the memorandum shall only be recorded, if at all, on such terms as the court under the circumstances may think just.

22.--(1) Where any person (in this section referred to as the "principal") in the course of or for the purposes of his trade or business, contracts with any other person (in this section referred to as the "contractor") for the execution by or under the contractor of the whole or any part of any work undertaken by the principal, the principal shall, provided the notice of the accident required under section 16 is given to him, be liable to pay to any workman employed in the execution of the work any compensation under this Act which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then in the application of this Act references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed.

Contracting and subcontracting.

(2) Where the contract relates to threshing, ploughing, or other agricultural work and the contractor provides and uses machinery driven by mechanical power for the purposes of such work, he and he alone shall be liable under this Act to pay compensation to any workman employed by him on such work.

(3) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section.

(4) Nothing in this section shall be construed as preventing a workman recovering compensation under this Act from the contractor instead of the principal.

(5) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about premises on which the contractor or the principal, himself being a contractor, has undertaken to execute the work or which are otherwise under his control or management.

23.—(1) Where a registered medical practitioner, grants a certificate,

- (a) that a workman is suffering from a scheduled disease causing disablement or that the death of a workman was caused by any scheduled disease; and
- (b) that such disease was due to the nature of the workman's employment and was contracted within twenty-four months previous to the date of such disablement or death,

the workman or, if he is deceased, his dependants, shall be entitled to claim compensation under this Act as if the disablement or death had been caused by an accident, and this Act shall, *mutatis mutandis*, apply unless at the time of entering into the employment the workman wilfully and falsely represented, in writing to the employer, in reply to a specific question, that he had not previously suffered from the scheduled disease, but in no event shall the workman or his dependants be entitled to compensation in respect of any causation or aggravation of the disease which was due to employment outside Belize except in respect of a workman belonging to Belize, employed outside Belize, by his employer within Belize.

Compensation in respect of occupational diseases.

(2) If on the hearing of an application for compensation in terms of subsection (1) of this section, the court is satisfied on the evidence that the allegations in the certificate are correct, the workman or his dependants, as the case may be, shall be entitled to compensation under this Act as if the contracting of the disease were an injury or accident arising out of and in the course of the workman's employment.

24.-(1) Compensation shall be payable by the employer who last employed the workman during the period of twenty-four months referred to in section 23 of this Act, unless that employer proves that the disease was not contracted while the workman was in such employment.

Liability to pay compensation.

(2) The workman or his dependants, if so required, shall furnish to the employer from whom compensation is claimed such information as he or they may possess as to the names and addresses of all other employers who during the last twenty-four months employed the workman in the occupation to the nature of which the disease is due.

(3) If the employer alleges that the disease was in fact contracted while the workman was in the employment of some other employer, and not while in his employment, he may join such other employer as a party to the proceedings in such manner as may be provided by regulations made under this Act and, if the allegation is proved, that other employer shall be the employer from whom the compensation is to be recovered.

(4) If the disease is of such a nature as to be contracted by a gradual process, any other employers who during the said twenty-four months employed the workman in the occupation to the nature of which the disease is due shall be liable to make to the employer from whom compensation is recoverable such contributions as in default of agreement may be settled by the court.

25.-(1) In the application of this Act to disablement or death caused by a scheduled disease, reference as to the date of the occurrence of the accident shall be construed as meaning,

Date from which time is to run.

- (a) in the case of a disease causing disablement, the date of the certificate referred to in section 23 of this Act; and
- (b) in the case of death from a disease, the date of the death of the workman.

(2) Section 16 of this Act, shall apply to the recovery of compensation in respect of a scheduled disease as it applies in respect of the recovery of compensation for an injury.

(3) Compensation in respect of a scheduled disease under this Act shall be calculated with reference to the wages of the workman under the employer from whom the compensation is recoverable and the wages of the workman shall be computed in the manner provided by section 11 of this Act.

Presumption as to cause of death. Second Schedule.

26. If a workman who becomes disabled by or dies of any scheduled disease was within the period of twenty-four months immediately preceding the disablement or death employed in any occupation mentioned in the Second Schedule opposite such disease, it will be presumed, unless or until the contrary is proved, that the disease was due to the nature of such employment.

Right of workman to proceed against previous employer.

27. None of the provisions of this Act in respect of scheduled diseases shall be construed as preventing compensation being recovered from any employer who employed the workman during the twenty-four months referred to in section 24 if the employer who last employed the workman during that period proves that the disease was not contracted while the workman was in his employment, in which case section 24 of this Act shall apply.

Compensation to include medical aid.

28. Compensation in respect of scheduled diseases shall include medical aid in accordance with the provisions of this Act.

Minister may amend Second Schedule. 40 of 1963. 11 of 1959.

29. The Minister may by Order published in the *Gazette* add to, alter or amend the Second Schedule,

Provided that an Order made under this section shall not be made to come into force until a period of three months has elapsed from the date of its publication in the *Gazette*.

PART IV

Insurance, Alternative Remedies, Insolvency and Bankruptcy of Employer, etc.

30.—(1) Subject to this Act, it shall not be lawful for any person to employ another person as a workman, unless there is in force in relation to the employment of that workman a policy of insurance or other contract of indemnity in respect of the liability of the employer in case of the death of or bodily injury to the workman arising out of and in the course of such employment.

Compulsory insurance against workmen's compensation claims.

(2) Subsection (1) of this section, shall apply only to the employments set out in subsection (5) of this section, unless the Minister by Order published in the *Gazette* declares that it shall apply to any other employment mentioned in that Order, and the Minister may at any time and from time to time make a new Order applying subsection (1) of the section to other employments.

40 of 1963.

(3) Subsection (1) of this section, shall not apply where the workman is employed by or on behalf of the Government of Belize.

(4) The Labour Commissioner or any person authorised by him in that behalf may call for and inspect any policy of insurance taken out under this section.

(5) The employments to which subsection (1) of this section applies are,

- (a) any employment connected with building construction and structural work in connection with buildings, if more than three workmen are engaged thereupon;

- (b) any employment connected with any woodworking machinery or sawmill, sugar factory, docks, wharves or quays and the loading and unloading of ships thereat;
- (c) any employment connected with mining or forestry;
- (d) any employment connected with the production of sugar, cacao or fruit on places of employment where five or more workmen are engaged on any day; and
- (e) any employment connected with any dangerous operation.

40 of 1963.

(6) The Minister may, if satisfied that a bond in such sum of money as he may fix entered into by an employer with sufficient sureties offers as good a security for the payment of compensation agreed upon or adjudged to be paid under this Act, direct that such bond be given and that it shall stand *in lieu* of the insurance required under subsection (1) of this section and every such bond shall be made in favour of the Labour Commissioner and deposited with the Registrar General.

(7) The Labour Commissioner shall, upon any employer failing to pay any sum of money agreed upon or adjudged by the court to be paid as compensation under the Act for the benefit of a workman or his dependants, enforce the bond given in relation to that workman and the bond, if given to secure the payment of compensation in respect of other workmen shall remain in force as regards the other workmen, notwithstanding such enforcement.

40 of 1963.

(8) The Minister may, if he considers any employer financially able, apart from money to be derived from insurance, to meet all claims for compensation agreed upon or adjudged to be paid under the Act, exempt the employer from the duty to effect insurance or to enter into a contract of indemnity under subsection (1) of this section and any such exemption may be cancelled or varied by the Minister.

(9) Every person who acts in contravention of this section commits an offence and is liable on summary conviction to a fine not exceeding two

hundred and forty dollars or to imprisonment for a term not exceeding three months, or to both such fine and term of imprisonment.

(10) Notwithstanding anything contained in any enactment prescribing the time within which proceedings may be brought under the Summary Jurisdiction (Procedure) Act, Cap. 99, proceedings for an offence under this section may be brought within a period of six months from the date of the commission of the alleged offence or if not actually brought within that period, then within a period of three months from the date on which it first came to the knowledge of the prosecutor that the offence had been committed.

(11) In subsection (5) of this section, "dangerous operation" means an operation connected with any manufacture, machinery, plant, process or description of manual labour in factories, workshops, or elsewhere which the Minister may, by notice published in the *Gazette*, declare to be dangerous to life or limb for the purposes of workman's compensation.

40 of 1963.

31.-(1) If, after insurance has been effected or other contract of indemnity entered into or a bond securing the payment of compensation given pursuant to section 30 of this Act, an employer becomes liable to pay compensation to a workman or his dependants, then notwithstanding anything to the contrary in any policy of insurance, contract of indemnity or bond contained, the insurer or person liable to indemnify the employer or to secure the payment of compensation under a bond shall pay the compensation agreed upon or adjudged to be paid, including any sum payable in respect of costs, in the manner prescribed in section 14 of this Act.

Conditions under which liability for payment by insurer arises.

(2) No sum shall be payable by an insurer, or person liable under a contract of indemnity or a bond given to secure payment of compensation under this section,

- (a) unless, in the case of compensation agreed upon between an employer and a workman or his dependants, such insurer or other person liable as stated in subsection (1) of this section, consented to pay the sum agreed upon as compensation to the workman or his dependants;
or

- (b) unless, in the case of compensation adjudged by the court to be paid to a workman or his dependants, the insurer or person liable as stated in subsection (1) of this section had notice of the application to determine the compensation in time to enable him to apply to be added as a co-defendant, if he is so minded; or in respect of any judgment to pay compensation, so long as execution thereon is stayed by the court or pending appeal; or in respect of a policy of insurance, if before the happening of the event which was the cause of death or personal injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein.

(3) If notice of the application to determine any compensation is given to an insurer, or other person liable under a contract of indemnity or bond to secure the payment of compensation, in time to enable him to apply to the court to be added as a co-defendant, the court shall add the insurer or other such person as a co-defendant and he shall have the same right to defend the proceedings as if he were the employer.

(4) Where any sum paid by the insurer or person liable to indemnify the employer or to secure the payment of compensation under a bond is covered by the policy of insurance, contract of indemnity or bond (as the case may be) by virtue only of this section, such sum shall be recoverable by the insurer or other person as mentioned in this subsection from the employer.

(5) Notwithstanding anything contained in this section, no insurer shall be liable to indemnify any employer against payment of compensation under section 8 (1) (d) of this Act during the first two days of incapacity.

Registration of
employers.

32.-(1) Every employer to whom section 30 of this Act applies shall,

- (a) within thirty days after the commencement of this Act in the case of an employer already in business; or
- (b) within thirty days after commencing business,

make application for registration to the Labour Commissioner on the prescribed form.

(2) The Labour Commissioner shall, upon the receipt by him of an application under subsection (1) of this section containing the particulars specified in the prescribed form and on being satisfied that the particulars are correct forthwith, register the employer and the particulars thereof to which the application relates and he shall issue to the applicant a certificate of registration on the prescribed form.

(3) Where any change takes place in any of the particulars registered under subsection (1) of this section, the employer shall within thirty days after the date upon which the change takes place, make application to the Labour Commissioner for the registration of the change and the Labour Commissioner shall amend the register accordingly and issue to the applicant a certificate of registration of the change in the particulars previously registered.

(4) The Labour Commissioner may take such steps as he may consider necessary to ascertain whether the particulars supplied by the employers who apply for registration are correct.

(5) Any person who fails to comply with the requirements of this section, or who wilfully delays or obstructs the Labour Commissioner or any officer appointed by him in the exercise of any power, duty or function under this section commits an offence and is liable, on summary conviction to a fine not exceeding twenty-five dollars.

33.—(1) When the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, nothing in this Act shall affect any civil liability of the employer, but in that case the workman may at his option claim compensation under this Act, or take proceedings independently of this Act, but the employer shall not be liable to pay compensation under this Act and damages.

Alternative remedies.

(2) If, within the time limited in this Act for taking proceedings, an action is brought to recover damages independently of this Act for injury caused by an accident, and it is determined in such action or on appeal that the

injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under this Act, the action shall be dismissed; but the court in which the action is tried, or, if the determination is the determination on an appeal (by either party) by an appellate court, that court shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs which in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Act.

(3) The court or appellate court may, instead of itself assessing such compensation, remit the case to the magistrate for the assessment of the compensation, and in such case may order the magistrate to deduct from the amount of compensation assessed by him all or part of the costs described in subsection (2) of this section.

(4) In any proceedings under subsection (2) of this section, when the court or appellate court assesses the compensation, it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction of costs, and such certificate shall have the force and effect of and shall be registered as an agreement under this Act.

34. Where the injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof,

- (a) the workman may take proceedings both against that person to recover damages and against any person liable to pay compensation under this Act but shall not be entitled to recover both damages and compensation; and
- (b) if the workman has recovered compensation under this Act, the person by whom the compensation was paid, and any person who has been called on to pay an indemnity under section 22 of this section (relating to liability in case of workmen employed by contractors), shall be entitled to be indemnified by the person so liable to pay damages as aforesaid and all questions as

Remedies against employer and stranger.

to the right to and amount of any such indemnity shall, in default of agreement, be settled by the court.

35.—(1) Where the employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then in the event of the employer becoming insolvent or bankrupt, or making a composition or arrangement with his creditors, or, if the employer is a company, in the event of the company having commenced to be wound-up or a receiver or manager of the company's business or undertaking having been duly appointed, or possession having been taken by or on behalf of the holders of debentures secured by a floating charge, of any property comprised in or subject to the charge, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in the enactments relating to insolvency or bankruptcy and the winding-up of companies, be transferred to and vest in the workman and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so however that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

Provision as to insolvency or bankruptcy of employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the insolvency or bankruptcy or liquidation, or as the case may be, he may recover the balance from the receiver or manager.

(3) The amount due in respect of any compensation or liability for compensation under this Act shall,

- (a) be deemed a preferential debt within the meaning of section 37 of the Bankruptcy Act, Cap. 244;
- (b) in the winding-up of a company, whether voluntary or subject to the supervision of the court, or by the court, be deemed a preferential debt within the meaning of section 37 of the Bankruptcy Act, Cap. 244;
- (c) where either a receiver is appointed on behalf of the holders of any debentures of a company secured by a

floating charge, or possession is taken by or on behalf of those debenture holders of any property comprised in or subject to the charge, then, if the company is not at the time in course of being wound-up, be paid in priority to any claim for principal or interest in respect of the debentures.

(4) Subsection (3) of this section applies if the amount due accrued before the following dates,

- (a) in subsection (3)(a) of this section the date of the receiving order;
- (b) in subsection (3)(b) of this section the date of the commencement of the winding-up of the company;
- (c) in subsection (3)(c) the date of the appointment of the receiver or of possession being taken as mentioned.

Lump sum *in lieu* of half monthly payments.

(5) Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum to which the half-monthly payment could, if redeemable, be redeemed if the employer made an application for that purpose under this Act, and a certificate of the court as to the amount of such sum shall be conclusive proof thereof.

No priority of insured.

(6) The provisions of this section with respect to the preferences and priorities shall not apply where the insolvent or bankrupt or the company has entered into such a contract with the insurers described in subsection (1) of this section.

Voluntary liquidation.

(7) This section shall not apply where a company is wound-up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

Employers to disclose insurer.

36.-(1) If the employer becomes insolvent and is ordered to pay compensation under this Act, he shall, if requested disclose whether he is insured against personal injury to or death of the workman employed

by him and, if so insured, the name and address of the insurer and the amount for which he is insured.

(2) When the insurer indemnifies an employer against liability to pay compensation and has used or uses that employer's name or has acted on his behalf in any proceedings under this Act, that insurer shall be bound by the decision given upon those proceedings in the same manner and to the same extent as the employer accordingly, except that the liability of the insurer shall be limited by the terms and conditions of the policy of insurance subsisting between him and the employer.

PART V

Application to Special Classes of Persons and Procedure

37. In the application of this Act to the persons in the civil employment of the Government of Belize whenever provision exists by law or regulation made under any law for the grant of a pension or gratuity to any member of the public service in the case of injury received by him in the discharge of his duties, or to any person who, in the event of death of any such member resulting from that injury, would be entitled as a dependant to compensation under this Act, then in the assessment of compensation under this Act in respect of an injury arising out of and in the course of the employment of such member, the amount contributed out of public funds towards such pension or gratuity under any such law or regulation shall be taken into consideration and corresponding reductions shall be made in the amount which such member or dependant would otherwise have been awarded as compensation under this Act.

Workmen employed
by the Government.

38. Section 37 of this Act shall, *mutatis mutandis*, apply in respect of a workman in the employment of any public or local authority where provision exists by law or regulation made under a law for the grant of a pension or gratuity to such workman in the case of injury received by him in the discharge of his duties, or to any other person in the event of the workman's death resulting from that injury.

Workmen employed
by local authorities.

Application to persons employed on ships.

39.—(1) This Act shall apply to masters, seamen and apprentices to the sea service, if such persons are workmen within the meaning of this Act, and are members of the crew of any ship registered in Belize, or of any other British ship or vessel of which the owner, or (if there is more than one owner) the managing owner, or manager resides or has his principal place of business in Belize subject to the following modifications,

- (a) the notice of accident and the claim for compensation may, except where the person injured is the master, be given to the master of the ship as if he were the employer, but where the accident happened and the incapacity commenced on board the ship it shall not be necessary to give any notice of the accident;
- (b) in the case of death of the master, seaman or apprentice, the application for compensation shall be made within three months after news of the death has been received by the claimant;
- (c) where the injured master, seaman or apprentice is discharged or left behind in a British possession or in a foreign country, depositions respecting the circumstances and nature of the injury may be taken by any judge or magistrate in the British possession, and by any British consular officer in the foreign country, and if so taken shall be transmitted by the person by whom they were taken to the Minister, and such depositions or certified copies thereof shall in any proceedings for enforcing the claim be admissible in evidence as provided in sections 691 and 695 of the Merchant Shipping Act, 1894, c. 60 and those sections shall apply accordingly;
- (d) in the case of the death of a master, seaman or apprentice leaving no dependants, no compensation shall be payable, if the owner of the ship is under the Merchant Shipping Act, 1894, c. 60 liable to pay expenses of burial;

- (e) the half-monthly payment shall not be payable in respect of the period during which the owner of the ship is, under any Act in force for the time being in Belize relating to merchant shipping liable to defray the expenses of maintenance of the injured master, seaman or apprentice;
- (f) any sum payable by way of compensation by the owner of the ship under this Act shall be paid in full notwithstanding anything in section 503 of the Merchant Shipping Act, 1894, c. 60 (which relates to the limitation of ship-owner's liability in certain cases of loss of life, injury or damage), but the limitation of the owner's liability imposed by that section shall apply to the amount recoverable by way of indemnity under section 34 (relating to remedies both against employer and stranger) as if the indemnity were damages for loss of life or personal injury;
- (g) section 174(2) and (3) of the Merchant Shipping Act, 1894, c. 60 (which relates to the recovery of wages of seamen lost with their ship) shall apply as respects proceedings for the recovery of compensation by dependants of masters, seamen and apprentices and proceedings for the recovery of compensation shall in such a case be maintainable if the application is made within six months of the date at which the ship is deemed to have been lost with all hands.

(2) This Act shall also apply to any person not being a master, seaman or apprentice to the sea service, employed on board any such ship as is mentioned in this section, if he is so employed for the purposes of the ship or of any passengers or cargo or mails carried by the ship and if he is otherwise a workman within the meaning of this Act.

40. If an employer on whom notice of the accident has been served in accordance with section 16 of this Act does not within four weeks after the receipt of the notice agree in writing with the workman as to the amount

Workman's right to apply for compensation if no amount agreed in four weeks.

of compensation to be paid, the workman may make such application as in this Act is provided for enforcing his claim to compensation.

All claims to be determined by a district court.

41. All claims for compensation under this Act and any matter arising out of proceedings thereunder shall be determined by a district court irrespective of amount. All such questions shall be determined upon application made to the magistrate in manner provided by this Act.

Reference by court to medical referees.

42.—(1) The court may, subject to regulations made under this Act, submit to three medical referees for report thereon any matter of a medical character which seems material to any question arising in the course of the proceedings before the court.

(2) When the court has decided to refer a matter to medical referees by virtue of subsection (1) of this section, the court shall fix the time within which the parties may come to an agreement as to the choice of the medical referees, and failing an agreement, the court shall refer the matter to three medical referees chosen by the court.

(3) Medical referees to whom any reference is made under this section shall, in accordance with regulations made under this Act, give individual or joint certificates of their findings and the certificate or certificates shall be conclusive evidence as to the matters so certified.

40 of 1963.

(4) The Minister may by regulation prescribe the duties of the medical referees in cases of reference made under this section, and the forms to be used.

Application for compensation to be lodged with the clerk of the court accompanied by particulars.

43.—(1) A workman or an employer (in this section called the applicant) who desires the determination of any question arising out of an accident in which compensation is or might be claimed shall lodge with the clerk of the court a written application in the prescribed form accompanied by particulars containing,

- (a) a concise statement of the circumstances under which the application is made and the relief or order which the applicant claims, or the question he desires to have determined;

- (b) the full name and address of the applicant and of his attorney or agent and the name and address of the respondent.

(2) If the application be made by an employer, it shall be accompanied by a statement whether he admits his liability to pay compensation, or denies such liability and whether the admission or denial is total or partial, and if he admits or denies liability partially, a statement of the extent to which he admits or denies liability. In the case of denial of liability the grounds shall be stated.

(3) If the clerk of the court be satisfied that the applicant is, owing to illiteracy, blindness or any other physical cause, unable to furnish the information required, he shall himself fill in the application and particulars on the prescribed form.

44.-(1) As soon as an application, together with the accompanying particulars and statement prescribed in section 43 has been lodged, the clerk of the court shall forthwith cause a copy to be served upon the respondent in a manner prescribed by regulation, together with a notice requiring the respondent to lodge with the clerk of the court an answer as is prescribed in subsection (2) of this section within the period prescribed and notifying him that in default of his complying with the notice or of his appearing at a time and place fixed in the notice, an order may be made under this Act as the magistrate thinks just and expedient. Except with the written consent of the respondent communicated to the clerk of the court not less than fourteen clear days shall elapse between the date of the service of the notice upon the respondent and the date fixed for hearing the application.

Copy of application and particulars to be served on respondent.

(2) If the respondent intends to oppose an application he shall, within ten days after service of notice or within such extended period as the magistrate may upon special request allow, lodge with the clerk a written answer containing a concise statement of the extent and grounds of his opposition.

(3) The magistrate may, at any time before the determination of the question in dispute and upon such terms as to adjournment or as to costs as he considers just, allow an application, or any particular or statement

accompanying it, or any answer thereto, to be amended. Any such amendment shall be lodged with the clerk of the court who shall forthwith cause it to be served upon the opposite party in manner prescribed by regulation.

Magistrate to have jurisdiction as in civil actions.

45. Except as is specially provided in this Act, a district court shall upon or in connection with any question to be determined hereunder have all the powers and jurisdictions exercisable and be subject to all the duties and obligations to be performed by a district court, in connection with civil actions in such court and the law, rules and practice in such civil action *mutatis mutandis* shall apply; and any order made by the magistrate under this Act may be enforced as if it were a judgment or order of such court.

Magistrate may adjourn hearing for two years where there is doubt as to degree of incapacity.

46.-(1) If the workman at a hearing of an application be incapacitated by reason of the injury in respect of which the application is made and if further it be uncertain whether the incapacity is temporary or permanent, or if permanent, whether it is partial or total, the magistrate may, if he is satisfied that the workman is entitled to compensation in the event of the incapacity being permanent, adjourn the hearing for a period or periods not exceeding two years in all, reckoned from the date of the accident causing the injury and may make an interim order that the employer shall, in the meantime, pay such compensation to the workman as is provided by the First Schedule in case of temporary incapacity for work or permanent incapacity for work, as the case may be.

(2) If the workman at a hearing of an application be not incapacitated but there is reason to believe that the injury sustained by him may ultimately result in his permanent or total incapacity for work or in his death, the magistrate may adjourn the hearing for a period or periods not exceeding two years in all reckoned from the date of the accident causing the injury, so that the workman may retain his right to recover compensation in the case of permanent incapacity partial or total, resulting ultimately from the injury, or the dependants retain their right to recover compensation in the event of the workman's death.

Magistrate may submit questions of law.

47.-(1) The magistrate may, if he thinks fit, in such manner as may be prescribed by rules of court, submit any question of law for the decision of the Supreme Court sitting in chambers and if he does so shall decide the question in conformity with such decision.

(2) For the purposes of this section the expression, "rules of court" means rules of court made by the Chief Justice under section 95 of the Supreme Court of Judicature Act, Cap. 91.

48.—(1) Subject to the rules of court made under section 47, an appeal shall lie to the Supreme Court from any order of the magistrate,

Appeals.

Provided that from the following orders of the magistrate,

- (a) an order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum;
- (b) an order providing for the distribution of compensation among the dependants of a deceased workman, or disallowing any claim of a person alleging himself to be such a dependant;
- (c) an order allowing or disallowing any claim for the amount of an indemnity under section 22 of this Act; or
- (d) an order refusing to register a memorandum of agreement or registering it or providing for its registration subject to conditions,

no appeal shall lie unless the amount in dispute in the appeal is more than twenty-five dollars.

(2) Notwithstanding anything contained in this section, no appeal shall lie in any case in which the parties have agreed to abide by the decision of the magistrate, or in which the order of the magistrate gives effect to an agreement come to by the parties.

PART VI

Miscellaneous

Infirm person may agree with employer to accept less than the prescribed compensation.

49. Notwithstanding anything to the contrary in this Act contained, a person in respect of whom a medical practitioner has certified that, by reason of old age or serious physical infirmity or any previous injury he is specially liable to meet with an accident or to sustain a serious injury if employed as a workman at any work may, in entering into a contract of employment with any employer lawfully agree with the employer that the employer pays less than the amount payable under this Act in respect of the injury or death of that person; but no such agreement shall be valid and effectual, unless the amount agreed to be paid in respect of the injury or death is at least one-half the amount that would otherwise be payable as compensation under this Act.

No contracting out of Act.

50. Except as is specially provided in section 49 in respect of agreements, any provision in a contract of employment existing at the commencement of this Act, or thereafter entered into, whereby a workman or his dependants relinquish any right to compensation under this Act or to damages independently of this Act, whether for the workman or for any dependant, shall be void.

Appointment and remuneration of medical referees. 40 of 1963.

51.—(1) The Minister may appoint any medical practitioner to be a medical referee for the purpose of this Act and may revoke the appointment at any time.

(2) Any appointment made under subsection (1) of this section, or any revocation of any such appointment shall take effect on the date of its publication in the *Gazette* or from such other date as may be therein specified.

(3) The remuneration of, and other expenses incurred by medical referees under this Act shall, subject to regulations made under this Act and except so far as they are defrayed by fees received from the parties under this Act, be paid out of moneys provided by the National Assembly.

(4) Where a medical referee has been employed as a medical practitioner in connection with any case by or on behalf of an employer or workman or by any insurers interested, he shall not act as medical referee in that case.

(5) The number of medical referees appointed by the Minister shall be at least six at any time, however, the reduction below six of the number of medical referees shall not invalidate any reference to, or any certificate given by, a medical referee.

40 of 1963.

52.—(1) Where a workman has submitted himself for examination by a medical practitioner, or has been examined by a medical practitioner selected by himself, and the employer or the workman, as the case may be, has within six days after the examination furnished the other with a copy of the report of that practitioner as to the workman's condition, then, in the event of no agreement being come to between the employer and the workman as to the workman's condition of fitness for employment, a magistrate, on application being made to him by one or both parties, may refer the matter to medical referees.

Reference to medical referee.

(2) In the case of an application made by both parties under subsection (1) of this section, the magistrate shall refer the matter to medical referees chosen by both parties, but, if the parties cannot agree on the choice of medical referees within a time as may be fixed by the magistrate, the magistrate shall refer the matter to medical referees chosen by him.

(3) The medical referees to whom the matter is so referred shall, in accordance with regulations made under this Act, give a certificate as to the condition of the workman and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit, and the certificate shall be conclusive evidence as to the matters so certified.

(4) Where no agreement can be come to between the employer and the workman as to whether and to what extent the incapacity of the workman is due to the accident this section shall, subject to any regulations made under this Act, apply as if the question were a question as to the condition of the workman.

(5) If a workman, on being required to do so, refuses to submit himself for examination by any medical referee to whom the matter has been referred as stated in subsection (1) of this section, or in any way obstructs the medical referee, his right to compensation and to take or prosecute any proceedings under this Act in relation to compensation, or in the case of a

workman in receipt of a periodic payment under this Act, his right to that periodic payment shall be suspended until the examination has taken place.

Employers to
make returns of
injuries.
40 of 1963.

53. Every employer in every industry to which the Minister may direct that this section shall apply shall, on or before such day in every year as the Minister may direct, send to the Labour Commissioner a correct return specifying the number of injuries in respect of which compensation has been paid by him under this Act during the previous year, and the amount of such compensation together with such other particulars about the compensation as the Minister may direct, and in default of complying with this section commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

Display of notice.

54. There shall be displayed at or near every place of employment in which workmen are employed a notice containing the abstract approved by the Labour Commissioner of the provisions of this Act and of any regulations made thereunder and any employer who fails to display such notice commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

Regulations.

55.—(1) The Minister may make regulations for,

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- (a) prescribing the procedure and forms in respect of matters to be done under this Act;
- (b) matters which are specifically mentioned in this Act as being matters which may be prescribed by regulation; and
- (c) generally for carrying out the objects and provisions of this Act.

(2) Regulations made under this section shall be subject to affirmative resolution.

56.—(1) The Labour Commissioner, the Senior Labour Inspector, or any Labour Inspector may,

Enforcement.

- (a) institute proceedings in respect of any contraventions of, or any offence committed by an employer against, any of the provisions of this Act, and prosecute in his own name and appear in respect of such proceedings;
- (b) institute proceedings and appear in proceedings on behalf of any workman against his employer in respect of any matter or thing or cause of action arising out of this Act.

(2) Notwithstanding anything contained in subsection (1) of this section, any officer of a registered trade union who has been authorised in writing on the prescribed form by the trade union may institute proceedings and appear in proceedings on behalf of any member of the union against his employer in respect of any matter or thing or cause of action arising under this Act.

FIRST SCHEDULE

*WORKMEN'S COMPENSATION ACT**Compensation Formula**[Section 2, 8 (1) (c) and 46 (1)]*

| <i>Injury</i> | <i>Degree of disablement per centum</i> |
|--|---|
| Loss of two limbs | |
| Loss of both hands or of all fingers and thumbs | |
| Total loss of sight | |
| Total paralysis | |
| Injuries resulting in being bedridden permanently | 100 |
| Any other injury causing permanent total disablement | } |
| Loss of remaining eye by one-eyed workman | |
| Loss of remaining arm by one-armed workman | |
| Loss of remaining leg by one-legged workman | } |
| Loss of arm at shoulder | |
| Loss of arm above elbow | 70 |
| Loss of arm below elbow | 60 |
| Loss of hand at wrist | 60 |
| Loss of four fingers and thumb on one hand | 60 |
| Loss of four fingers | 45 |
| Loss of thumb-both phalanges | 35 |
| -one phalanx | 15 |
| Loss of index finger-three phalanges | 15 |
| -two phalanges | 10 |
| -one phalanx | 8 |
| Loss of middle finger-three phalanges | 8 |
| -two phalanges | 4 |
| -one phalanx | 2 |
| Loss of ring finger-three phalanges | 8 |
| -two phalanges | 4 |
| -one phalanx | 2 |

| | |
|---|----|
| Loss of metacarpals-first or second (additional) | 5 |
| -third, fourth or fifth (additional) | 5 |
| Loss of leg-at hip joint | 75 |
| -above knee | 70 |
| -at knee | 70 |
| -below knee | 60 |
| -at ankle | 40 |
| Loss of foot-at ankle | 40 |
| -above the junction of foot and toes | 35 |
| Loss of toes-all | 35 |
| -great, both phalanges | 15 |
| -great, one phalanx | 15 |
| -other than great, each of more than one toe lost | 3 |
| Loss of eye-eye out | 40 |
| -sight of | 40 |
| -lens of | 30 |
| -sight of except perception of light | 40 |
| Loss of hearing-both ears | 70 |
| -one ear | 20 |

Total permanent loss of the use of a member shall be treated as the loss of that member.

The percentage incapacity for ankylosis of any joint shall be reckoned as from 25 to 100 per cent of the incapacity for loss of the use of that member, according to whether the joint is ankylosed in a favourable or unfavourable position.

In the case of a right-handed workman, an injury to the left hand or arm, and in the case of a left-handed workman, to the right arm or hand shall be rated at ninety *per centum* of the above percentages.

Where there is a loss of two or more parts of the hand, the percentage of incapacity shall not be more than for the whole hand.

A one-eyed workman who, on entering employment has failed to disclose the fact that he is one-eyed to his employer, shall, if he loses his remaining eye, be entitled to compensation in respect of a degree of disablement of forty per centum only.

For the purposes of this Schedule, a “one-eyed workman” means a workman who has lost the sight of one eye.

SECOND SCHEDULE

WORKMEN'S COMPENSATION ACT
Disease or Injury Compensation Formula
[Sections 2 and 26]

Description of disease or injury

Nature of occupation

1. Poisoning by-

Any occupation involving:

(1) Lead

the use or handling of, exposure to the fumes, dust or vapour of lead or a substance containing lead or a compound of lead.

(2) Phosphorus

the use or handling of, or exposure to the fumes, dust or vapour of phosphorus, or a compound of phosphorus, or a substance containing phosphorus.

(3) Arsenic

the use or handling of or exposure to the fumes, dust or vapour of arsenic, or a compound of arsenic, or a substance containing arsenic.

(4) Mercury

the use or handling of or exposure to the fumes, dust or vapour of mercury, or a compound of mercury, or a substance containing mercury.

(5) Benzene or its homologues, their nitro- and amino-derivatives, and its sequelae

Any process involving the production, liberation or utilisation of benzene or its homologues, or their nitro- and amino-derivatives.

- | | |
|--|--|
| (6) Organic phosphates | the use or handling of organic phosphates for the destruction of pests or vermin. |
| (7) Metopium brownie ("black poison wood") or Cameraria belizensis standl("savanna white poison wood") | work in the forest or the manipulation of "poison wood" or any process in or incidental to the manufacture of articles therefrom. |
| (8) Carbon monoxide gas | any process involving the use of, <ul style="list-style-type: none"> (i) dynamite and gunpowder for blasting in subterranean galleries; (ii) illuminating gas; (iii) power or producer gas; (iv) blast furnaces, furnaces and stoves for the burning of charcoal, coke and other fuel; (v) gas engines. |
| (9) Carbon dioxide gas | any process involving blasting, the manufacture of mineral waters, fermenting in breweries and the formation of lime in lime kilns. |
| (10) The halogen derivatives of hydrocarbons in the aliphatic series | any process involving the production, liberation or use of halogen derivatives of hydrocarbons of the aliphatic series. |
| 2. Anthrax infection | Work in connection with animals infected with anthrax. Handling of animal carcasses or parts of such carcasses including hides, hoofs and horns. Loading and unloading of transport and merchandise. |

- 3. Glanders contact with equine animals or their carcasses.

- 4. (a) Ulceration of the corneal surface of the eye
- (b) Localised new growth of the skin, papillomatous or
- (c) Epitheliomatous cancer or ulceration of the skin, due in any case to tar, pitch, bitumen mineral oil (including paraffin) soot or any compound, product or residue of these substances.
- } the use or handling of or exposure to tar, pitch bitumen mineral oil (including paraffin) soot or any compound, product, or residue of any of these substances.

- 5. Inflammation, ulceration or malignant disease of the skin or subcutaneous tissues or of the bones, or leukaemia or anaemia of the aplastic type, due to X-rays, ionising particles, radium or other radioactive substances.
- } exposure to X-rays, ionising particles, radium, or other radioactive substances or other forms of radiant energy.

- 6. Inflammation or ulceration of the skin or of the mucous membrane of the upper respiratory passages or mouth produced by dust, liquid or vapour (including the condition known as chlor-acne, but excluding chrome ulceration.
- } exposure to dust, liquid or vapour.

- | | | |
|---|---|---|
| 7. Subcutaneous cellulitis or acute bursitis arising at or about the knee (Beat knee) | } | manual labour causing severe or prolonged friction or pressure at or about the knee. |
| 8. Subcutaneous cellulitis of the hand (Beat hand) | } | manual labour causing severe or prolonged friction or pressure on the hand. |
| 9. Subcutaneous cellulitis or acute bursitis arising at or about the elbow. | } | manual labour causing severe or prolonged friction or pressure at about the elbow. |
| 10. Inflammation of the synovial lining of the of the wrist joint and tendon sheaves. | } | manual labour or frequent repeated movements of the hand or wrist |
| 11. Telegraphist's cramp | } | the use of Morse-key telegraphists' instruments for prolonged periods. |
| 12. Tuberculosis | } | <p>any occupation involving close and frequent contact with a source or sources of tuberculosis infection by reason of the employment-</p> <p>(a) in the medical treatment or nursing of a person or persons suffering from tuberculosis or in a service ancillary to such treatment or nursing;</p> <p>(b) in attendance upon a person or persons suffering from tuberculosis where the need for such attendance</p> |

arises by reason of physical or mental infirmity;

(c) as a research worker engaged in research in connection with tuberculosis;

(d) as a laboratory worker, pathologist or post mortem worker, while the occupation involves working with material which is a source of tuberculosis infection, or in any occupation ancillary to such employment.

13. Dermatitis of the hand



the sectionising and peeling by hand of citrus-fruit

14. Silicosis with or without pulmonary tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.



industries or processes recognised by national law or regulations as involving exposure to the risk of silicosis.

15. Pathological manifestation due to:



any process involving exposure to the action of radium, radio-active substances or X-rays.

(a) radium and other radio-active substances;

(b) X-rays.