

SCHEME COVERAGE & BENEFITS

ACCIDENT COMPENSATION ACT 1989,
Amendments 2003 and 2009

ACCIDENT COMPENSATION CORPORATION
FAALAPOTOPOTOGA O TAU MO FAALAVELAVE FAAFUASEI

AM I ELIGIBLE TO MAKE A CLAIM ?

The Accident Compensation Corporation does not cover all accidents. It is therefore advisable to find out first whether you are covered and what types of benefits are likely to be paid.

YOU MUST REGISTER FIRST!!!

ACC Registration Forms can be downloaded from its website page: www.acc.gov.ws. Levy Officers are available to assist you. Provide your Business Registration Number and your National Provident Fund Number.

HOW MUCH LEVY DO I NEED TO PAY & WHEN?

(Section 52(1) of the Accident Compensation Act 1989).

- Every **employer** shall pay a Levy of \$0.01 sene for every \$1.00 wages paid by the employer's worker
- Every **employee** shall pay a Levy of \$0.01 sene for every \$1.00 wages received by the employer's worker

Time of Payment of Levies is on how often employers pay their wages to their workers.

- Weekly
- Fortnightly
- Monthly

WHERE PAYMENT IS MADE

To ACC Cashier located on Level 5 of the ACC House, Apia.

WHO IS ELIGIBLE TO CLAIM?

The ACC scheme covers:

an employee who suffers personal injury by an accident, whether it is work-related or not.

an employee who suffers from an illness (disease) caused by a work-related activity or environment.

any person (including non-employees) who suffers personal injury by accident caused by or in connection with the use of a specified conveyance in Samoa.

Note: Specified Conveyance means a motor vehicle or a seagoing vessel propelled by a motor

HOW DO I MAKE A CLAIM?

The following checklist outlines what you need to do when making a claim.

Step 1 - Report injury

If you are an ***employee*** and you are injured in a work-related accident, you must report accident or injury to your employer. Your employer is required by the ACC Act to report the accident to the ACC.

If you are an ***employee*** and you are injured in an accident other than work-related, you or a relative must report accident or injury direct to the ACC.

If you are ***not an employee*** and you are injured in a Specified Conveyance accident, you or a relative must report accident or injury to the Ministry of Police. The Ministry of Police is required by the ACC Act to report the accident to the ACC

Step 2 - Get a medical certificate

- You must see a medical practitioner and get treatment as soon as possible. Ask the medical practitioner to provide you with a medical certificate to confirm injuries sustained and whether you need time off work.

Step 3- Contact ACC

- As the reporting of accidents by the Ministry of Police or Employers at times delayed, you need to contact the ACC by phone, letter or visit ACC office to ensure that your case is registered.

HOW DOES ACC DECIDE IF I AM COVERED?

When your claim is received by ACC, it is registered and given a claim number. Most claims are assessed within 5 days and either accepted or declined based on individual circumstances and the criteria prescribed by the Act.

As a guide, ACC will consider questions such as:

- Has there been an accident, as defined by the Accident Compensation Act?

- Was it a personal injury?
- Did the injury occur in Samoa?
- Was the claim lodged within the time frame allowed by the Act?
- Is it an occupational disease/illness claim?

ACC will contact you by phone or letter to let you know the decision on your claim.

If cover is accepted, ACC will advise what assistance you are entitled to.

If your claim is declined, ACC will tell you why. It may be because the injury is:

- a non-work related disease or infection (including conditions you may have been born with), or
- is not covered under the Act (the accident causing the injury), or
- due to the ageing process.

In some cases cover is declined if you fail to respond to ACC with further information when requested.

If you are not satisfied with ACC's decision, you can apply in writing for a review stating the grounds of your dissatisfaction.

HOW LONG DOES IT TAKE ACC TO DECIDE?

ACC investigates every claim. Some claims require more investigation or assessment such as death by an accident or if the injury is of a work related disease.

The majority of claims are assessed within 5 days of being lodged. However, sometimes a decision on a claim cannot be made within 5 days because additional information is required. The onus is on you to provide all relevant information when requested to support your claim.

WHAT BENEFITS I AM ENTITLED TO?

The criteria set out in this brochure are brief. So please talk these benefits over with the ACC Officer assigned to your case or contact the ACC Office to determine what benefits apply to you.

ACC MAY BE ABLE TO ASSIST YOU MEETING TREATMENT COSTS:

- for reasonably required treatment, such as physiotherapy, prescriptions, surgery or medical treatment.
- of up to \$150,000 for the provision of rehabilitation aids such as artificial limbs, equipment such as walking aid and wheelchairs, or changes to your home such as building ramps, reasonably

required.

- for reasonable travel costs to obtain medical treatment.
- of up to \$150,000 for treatment overseas when the required treatment is not available in Samoa. It is important to note that in order to entitle to this benefit you must get ACC approval prior to leaving the country.

ACC MAY BE ABLE TO PAY YOU FINANCIAL COMPENSATION:

- **Employees only -**

- Weekly Payments for Loss of Salary or Wages**

If you are an employee and you cannot work and is on leave without pay because of an injury, ACC will pay you 70% of your Normal Weekly Earnings, subject to the maximum amount of \$1,000.

- **Employees only -**

- Weekly Payments in respect of Spouse of Employee**

If you are an employee and your spouse suffers injuries caused by a specified conveyance accident, ACC will pay you a weekly amount equal to 70% of the minimum wage in effect at the time of the accident for the period your spouse was incapacitated, subject to the maximum period of 3 months.

- **Any Person –**

- Lump Sum Payment for Permanent Impairment of Less than 80% of Bodily Function**

A lump sum payment may be available to a person who suffers a permanent impairment of less than 80% of bodily function. The lump sum amount payable is subject to both a medical assessment and reference amount set out in the First Schedule of the Act.

- **Any Person –**

- Weekly Payment for Permanent Impairment of 80% of Bodily Function or more**

A weekly payment may be available to a person who suffers a permanent impairment of 80% of bodily function or more. The amount of the weekly payment is determined by using the following formula, subject to the maximum amount of \$1,000:

- If you are an employee - Your Weekly Earnings *multiply by 70% multiply by the Percentage of Impairment*. It is important to note that this payment will apply if your weekly payment for loss of earnings ceases.

- If you are not an employee – the Minimum Wage in effect at the time of the accident *multiply by 70% multiply by the Percentage of Impairment*.

- **Any Person –**
Care Living Allowance

You may be eligible for a Care Living Allowance, calculated at 60% of the Minimum Wage, if your injuries are so severe that you are unable to use both hands or need supervision to avoid putting yourself or others in substantial danger. You cannot claim Care Living Allowance if you are:

- receiving Mobility Allowance; or
- receiving Weekly Payment for Loss Wages/Salary; or
- being cared for in a hospital

- **Any Person –**
Mobility Allowance

You may be eligible for a Mobility Allowance, calculated at 60% of the Minimum Wages, if your injuries are so severe that you are unable to walk, or have complete loss of eyesight, or severely mentally impaired so as to cause behavioral problems and requires 24 hours supervision. You cannot claim Mobility Allowance if you are:

- receiving Care Living Allowance; or
- receiving Weekly Payment for Loss Wages/Salary; or
- being cared for in a hospital

- **Amounts Payable on Death of Employee**

- Death Lump Sum Payment:**

A lump sum payment is available for those who were dependent on the deceased employee at the time of death.

- ACC will pay a lump sum amount of \$20,000 to dependents of the deceased if the deceased has **total dependent(s)** or has **both total and partial dependents** at the time of the accident. This amount will be divided amongst the dependents.
- ACC will pay a lump sum amount of up to \$16,000 to **partial dependent(s)** if the deceased left **no total dependent** at the time of the accident. This amount will be divided amongst the dependants.

- Death Weekly Payment:**

A weekly payment is also available for those who were dependent on the deceased employee at the time of death.

- If the deceased has **total dependent(s)** or has **both total and partial dependents** at the time of the accident, ACC will pay 70% of the deceased earnings, subject to the maximum amount of \$1,000. You may continue to receive payments until the end of five consecutive years from the date of the accident, subject to other conditions specified by the Act.
- If the deceased has **no total dependent but only partial dependents** at the time of the accident, ACC will pay compensation as is reasonable and proportionate to the loss sustained by the dependents but compensation will not be more than 70% of the deceased earnings or the

maximum amount of \$1,000 whichever is less. The weekly amount may be varied from time to time by ACC, and you may continue to receive payments until the end of five consecutive years from the date of the accident, subject to other conditions specified by the Act.

Note: The Death Lump Sum Payment and Death Weekly Payment will only be payable if the deceased have dependent(s) at the time of the accident.

Funeral Grant:

A funeral grant of \$4,000 is also payable. ACC determines the person or persons the grant is to be paid.

• **Amounts Payable on Death of Non-Employee**

Death Lump Sum Payment:

A lump sum payment is available for those who were dependent on a deceased person at the time of death. ACC will determine whether or not you should be regarded as a dependant.

- ACC will pay a lump sum amount of \$20,000 to dependants of the deceased if the deceased has **total dependant(s)** or has **both total and partial dependants** at the time of the accident. This amount will be divided amongst the dependants.
- ACC will pay a lump sum amount of up to \$16,000 to partial **dependant(s)** if the deceased left **no total dependant** at the time of the accident. This amount will be divided amongst the dependants.

Note: The Death Lump Sum Payment will only be payable if the deceased have dependent(s) at the time of death.

Funeral Grant:

A funeral grant of \$4,000 is also payable. ACC determines the person or persons the grant is to be paid.

SPECIAL PAYMENT UPON DEATH OF AN EMPLOYEE WITHOUT ACCIDENT OR INJURY

If any employee dies or a natural cause or any other cause other than self-inflicted or those cover under the Act, ACC will pay a family member(s) of the deceased employee the amount of \$4,000 as a special payment. ACC determines the person or persons the grant is to be paid.

SPECIAL NOTE

It is an offence under the ACC Act to make a false statement or false claim in relation to obtaining a benefit from the ACC. The penalties are severe and ACC will prosecute any offenders.

HOW TO CONTACT ACC?

Telephone: 23-100

Facsimile: 23-912
Email: accsamoa@samoasonline.ws
Website: www.acc.gov.ws
Location: 5th Floor of the ACC House, Apia

POSTAL ADDRESS:

General Manager
Accident Compensation Corporation
P.O. Box 3700
5th Floor, ACC House
APIA