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## What is the Work Injury Compensation Act (WICA)?

In Singapore, the Work Injury Compensation Act (WICA) (<https://sso.agc.gov.sg/Act/WICA2019>) is a statute that aims to assist employees in making claims for work-related injuries or diseases to the Ministry of Manpower (MOM).

The WICA provides a faster, more affordable alternative to a common law civil claim (which will be briefly explained below). This is because compensation is generally payable once certain conditions have been met.

## What Kinds of Employees are Covered by the WICA?

As long as you are an employee under a contract of service (<https://singaporelegaladvice.com/law-articles/contract-of-service-contract-for-service-singapore-difference/>), or a contract of apprenticeship (including internships), you will be covered by the WICA and allowed to make claims under it.

In addition, it is compulsory for all employers to **purchase work injury compensation insurance** for employees (whether local or foreign) who are doing:

1. **Manual work**, regardless of salary level; and
2. **Non-manual work**, and are earning up to \$2,600 monthly.

Such work injury compensation insurance will pay for claims that you make under WICA. But even if your employer hasn't bought work injury compensation insurance for you, they will still have to pay your claim.

### The WICA does not cover:

- Independent contractors (e.g. freelancers)
- Domestic workers
- Uniformed personnel of the Singapore government (e.g. Singapore Armed Forces, Singapore Civil Defence Force, Singapore Police Force)

## Under What Situations Will I Be Eligible to Make a Claim under WICA?

Employees are eligible to make a claim under the WICA when they suffer accidental personal injuries (<https://singaporelegaladvice.com/law-articles/claiming-personal-injury/>) that occur while performing their duties during the course of employment.

In addition, there are specific situations (<https://www.mom.gov.sg/workplace-safety-and-health/work-injury-compensation/eligible-claims>) for which employees may also be compensated under WICA, such as:

1. Meeting with an accident in a foreign country in which an employee is assigned to work.
2. Meeting with an accident while travelling to place of work in non-public transportation operated by or on behalf of his employer.
3. Contracting occupational diseases (<https://singaporelegaladvice.com/law-articles/claim-compensation-occupational-disease-singapore/>).
4. Contracting a disease from exposure to biological or chemical agents at work.

In the event of an injury that causes an employee's death (<https://singaporelegaladvice.com/law-articles/death-employee-singapore-employers/>), dependants of the deceased can also make a claim on behalf of the employee.

Situations in which employees will **not** be compensated under WICA include:

1. Meeting with an accident while travelling between his home and workplace in transportation that is not owned by the company;
2. Injuring themselves on purpose;
3. Deliberately making an existing injury more serious; and
4. Injuring themselves when under the influence of alcohol or a prescription drug not prescribed by a doctor.

## What Can I Claim For and How Much Can I Claim?

Currently, it is possible to claim for:

- Lost earnings from being on medical leave, hospitalisation leave;
- Medical expenses; and
- Lump sum compensation for permanent incapacity, current incapacity or death

### Lost earnings from being on medical leave or hospitalisation leave

It is possible to claim for lost earnings for working days covered by medical leave given by Singapore registered doctors, or hospitalisation leave. The rates and limits for lost earnings compensation are set out in the table below:

Amount of outpatient medical leave (MC)	Amount of hospitalisation leave	Amount of lost earnings compensation, as calculated based on:
14 days or less	60 days or less	Employee's <b>full</b> average monthly earnings
15th day onwards, up till 1 year from the accident	61st day onwards, up to 1 year from the accident	$\frac{2}{3}$ of employee's average monthly earnings

If there is no readily available and reliable evidence for calculating an employee's average monthly earnings, MOM can order for the wages to be computed based on a multiple of the employee's basic salary.

In addition, employees who are on **light duties** without going on medical leave or hospitalisation leave will also be entitled to claim for any lost earnings. The rates and limits of such compensation will be as follows:

Amount of light duties	Amount of lost earnings compensation, as calculated based on:
14 days or less	Any actual shortfall in wages for that period, compared to the employee's <b>full</b> average monthly earnings

15th day onwards, up till 1 year from the accident	Any actual shortfall in wages for that period, compared to $\frac{2}{3}$ of the employee's average monthly earnings
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You can also use calculators provided by MOM to find out your average monthly earnings (<https://www.mom.gov.sg/workplace-safety-and-health/work-injury-compensation/resources-and-tools/wic-calculators/average-monthly-earnings>), and hence your lost earnings compensation (<https://www.mom.gov.sg/workplace-safety-and-health/work-injury-compensation/resources-and-tools/wic-calculators/medical-leave-wages>).

## Medical expenses

For medical expenses, MOM has listed out the items that can be claimed for on their website (<https://www.mom.gov.sg/workplace-safety-and-health/work-injury-compensation/types-of-compensation>). In order to claim for these items, however, the treatment received must have been carried out by Singapore registered medical practitioners. You can check whether your medical practitioner was Singapore-registered for the following items here:

- **Medical expenses** (e.g. consultation and treatment fees, artificial limbs): Singapore Medical Council (<https://prs.moh.gov.sg/prs/internet/profSearch/main.action?hpe=SMC>).
- **Traditional Chinese Medicine:** Traditional Chinese Medicine Practitioners Board (<https://prs.moh.gov.sg/prs/internet/profSearch/main.action?hpe=TCM>).
- **Physiotherapy:** Allied Health Professions Council (<https://prs.moh.gov.sg/prs/internet/profSearch/main.action?hpe=ahpc>).
- **Chiropractic treatments:** The Chiropractic Association (Singapore) (<http://chiropractic.org.sg/membership/registered-chiropractors/>).

If employees feel that their employer's doctor is not assessing their injuries objectively, they may apply to MOM to have another doctor assess them.

## Lump sums for permanent incapacity, current incapacity or death

For lump sum claims, accidents from 1 Jan 2020 onwards will be subject to the following limits:

Compensation Type	Minimum amount	Maximum amount
Medical Expenses	N/A	\$45,000 or the amount of medical expenses incurred up to 1 year from date of accident, whichever is lower
Permanent Incapacity	\$97,000 × (percentage of permanent incapacity)	\$289,000 × (percentage of permanent incapacity)
Death	\$76,000	\$225,000

If the percentage of permanent incapacity is 100%, then an extra 25% will be added to the compensation amount.

MOM has also provided calculators for [permanent incapacity compensation](https://www.mom.gov.sg/workplace-safety-and-health/work-injury-compensation/resources-and-tools/wic-calculators/permanent-incapacity-compensation)

(<https://www.mom.gov.sg/workplace-safety-and-health/work-injury-compensation/resources-and-tools/wic-calculators/permanent-incapacity-compensation>) and [compensation for death](https://www.mom.gov.sg/workplace-safety-and-health/work-injury-compensation/resources-and-tools/wic-calculators/compensation-for-death)

(<https://www.mom.gov.sg/workplace-safety-and-health/work-injury-compensation/resources-and-tools/wic-calculators/compensation-for-death>), to assist you in determining your would-be lump sum compensation.

## How to File a Claim Under WICA

### For temporary incapacity cases

For an injury that doesn't leave you permanently incapacitated, the process is fairly straightforward. Simply report the accident to your employer as quickly as possible and seek compensation for lost earnings and treatment related to the work-related accident.

To report an accident:

1. Get medical help and let your employer know immediately. If you don't inform your employer, they may dispute whether your injury or illness was sustained during work.
  - To safeguard your own interest, you can also [make an incident report with MOM](https://www.mom.gov.sg/eservices/services/wsh-incident-reporting) (<https://www.mom.gov.sg/eservices/services/wsh-incident-reporting>) so that they can help if there are any disputes.
  - Your employer will also be required to report the incident to MOM if it results in you being granted medical leave or light duties.
2. Then, give your original MC to your employer to claim your medical leave wages. You should also keep a photocopy of the MC for your own records.
3. Pass your original medical bills to your employer. Your employer should pay the hospital or clinic directly. If you paid first, your employer must reimburse you.
4. You should [inform MOM](https://service2.mom.gov.sg/efeedback/Forms/eFeedback.aspx) (<https://service2.mom.gov.sg/efeedback/Forms/eFeedback.aspx>) if your employer doesn't pay your medical bills or lost earnings, or (for serious injuries) does not inform MOM of your condition.

### For permanent incapacity cases

For an injury that leaves you permanently incapacitated, the process is a little more complex. It is as follows:

1. Report the injury to your employer as soon as possible. Your employer should pay your medical leave wages and medical expenses.
2. Your employer will also [report the accident to MOM](https://www.mom.gov.sg/eservices/services/wsh-incident-reporting) (<https://www.mom.gov.sg/eservices/services/wsh-incident-reporting>).
3. Claims processing for cases of serious or fatal injuries will start automatically once your employer informs MOM or its insurer of the accident. You will be mailed a claims processing form requesting for more details on the accident and your average monthly earnings, unless you submit a withdrawal request within 2 weeks because you don't want to make a claim.
4. If you want to make a claim, fill in the claims processing form and submit a scanned copy of it using MOM's [WicSubmit eService](https://www.mom.gov.sg/eservices/services/wicsubmit) (<https://www.mom.gov.sg/eservices/services/wicsubmit>) or mailing it to the MOM Services Centre.

5. You will then need to go for a medical assessment to assess the extent of your incapacity.
  - You must attend all medical appointments for the medical assessment. Otherwise, your claim may be suspended.
  - You can seek treatment from any hospital or medical institution. However, your company may request for you to be treated or assessed by company-approved hospitals or medical institutions.
6. After that, you will receive a Notice of Assessment (NOA) notifying you, your employer and your employer's insurer of the compensation amount.
  - If no one has any objections to the assessment, your employer or your employer's insurer is required to issue your compensation cheque within 21 days from the date of service of the NOA.
  - However, if someone wants to object to the assessment, they must complete and submit the objection form attached to the NOA within 14 days from the date of service of the NOA.

While it is possible to handle and file a WICA claim on your own, you may wish to hire a lawyer (<https://singaporelegaladvice.com/find-a-lawyer/services/personal-injury-lawyers/>) to assist you with the matter.

## Filing a Civil Claim for Work Injuries

While WICA was created to assist employees, it is not the only way of claiming compensation from your employer in the event that you are injured during the course of your employment. It is also possible to file a civil claim (<https://singaporelegaladvice.com/law-articles/civil-litigation-in-singapore>) against your employer.

However, it should be noted that you cannot file a civil claim to receive compensation for a workplace-related injury as well a claim under WICA at the same time.

## Should I file a civil claim instead of a claim under WICA?

As most lawyers like to say, it depends. There are pros and cons to both options and a lawyer may be better suited (<https://callalawyer.singaporelegaladvice.com/>) to advising you about which course would be more feasible for your particular situation.

## Amount of compensation you can get

Compensation under WICA is defined based on formulas, and has set limits. With a civil claim, there are no limits on compensation but you will need to prove how you calculated the amount of damages that you are seeking for.

## Whether you need to prove that your employer was at fault

For a successful civil claim, you will also need to prove that your employer is liable (i.e. at fault) for your work injury in the first place. If you cannot prove this, you will not be entitled to any compensation at all (<https://www.straitstimes.com/singapore/court-dont-treat-work-injury-lawsuits-as-game-of-chance>).

On the other hand, the WICA provides a no-fault compensation scheme. This means that your employer will be required to compensate you if you make a claim under WICA, even if you cannot prove that your employer was at fault for your injury.

## Legal fees you may incur

Under the WICA, it is possible to save on legal fees as hiring a lawyer is not necessary. For a civil claim on the other hand, you will need to hire a lawyer to represent you.

You should therefore weigh the pros and cons of each option before deciding which you want to proceed with.

## When to file a civil claim

You have up to 1 year from the date of the accident to decide whether you want to make a claim under the WICA or file a civil claim. If you have already made a claim under the WICA, and wish to withdraw your WICA claim to file a civil claim, you can do so at any time before MOM issues your notice of assessment.

However, once the notice of assessment has been issued, you can only withdraw your claim within 14 days from the date of service on the notice of assessment, if there are no disputes. If there are disputes, you can only do so within 28 days from the date of service of the notice of assessment.

## Filing a civil claim

Generally, you will have to hire a lawyer to file a civil claim for you in an action for negligence (<https://singaporelegaladvice.com/law-articles/the-law-of-negligence-in-singapore/>). Depending on the size of the claim, your case will commence in either the State Courts or the Supreme Court.

While there are exceptions, the limitation period or “deadline” in Singapore for filing an action for negligence (for personal injuries) is generally 3 years (<https://singaporelegaladvice.com/law-articles/what-are-limitation-periods-and-how-do-they-affect-my-capacity-to-sue/>).

## Why Should I Hire a Lawyer If I Have a Workplace Injury?

A lawyer can play an important role if you are unfortunate enough to sustain a workplace injury. You may wish to read up on the process of hiring a lawyer (<https://singaporelegaladvice.com/law-articles/what-happens-when-i-hire-a-lawyer/>).

An experienced personal injury lawyer (<https://singaporelegaladvice.com/law-articles/personal-injury-lawyers-in-singapore>) will be able to look at your particular situation and advise you on whether you should make a claim under the WICA or common law.

For a claim under common law, it is definitely preferable to hire a lawyer. Claiming compensation under a civil claim is more complicated, and the lawyer will have to prove to the court that your employer is liable due to negligence. However, even if you pursue a claim under the WICA, a good lawyer can still be useful in providing assistance with the procedures to make a claim.

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Here are 5 trusted lawyers you can contact directly for a quote.

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