

Important notice for the Provider of Medical Treatment!

If you suspect that the patient is a victim of a workplace accident, inform him to contact the "Fonds des Accidents du Travail/Fonds Voor Arbeidsongevallen" or that his employer needs to inform his insurance company. If the employer doesn't do this, the employee can do it himself. This information is very important because usually people without a legal staying permit are not aware of this fact and they could be entitled to compensation. If the patient is not capable to inform the insurance company or the Fund by himself, we advise you to do it in his place. Not acting in such a case can have very serious consequences since the right for compensation is not possible once the statutory limitation date is reached. As well if you wait until the person is capable to act on his own, all evidence may disappeared.

It is advised to keep a file with the facts that are relevant for the social inspector who will investigate the work accident:

- Was the person accompanied by someone?
- Why do you think it is a work accident?
- What was the name of the driver of the ambulance?
- What is the declaration of the driver of the ambulance?
- Who called the ambulance?
- In which condition was the person found?
- Which clothes was the person wearing?
- ...

You can also direct the patient to a lawyer specialized in labour law or foreigners' law, the union or vzw Or.C.A.

Useful addresses in Brussels

Organisatie voor Clandestiene Arbeidsmigranten (Organisation for Clandestine Labourmigrants) - Or.C.A. vzw

(only by appointment)

(Rue) Gaucheret(straat) 164 - 1030 Schaarbeek

Tel. 02 274 14 31 - Fax 02 274 14 48

info@orcasite.be - www.orcasite.be

Or.C.A. can inform you about your rights and supports you when you want to exercise those rights. Or.C.A. also puts the situation of the employees without papers on the political agenda.

Fonds des accidents du travail/ Fonds Voor Arbeidsongevallen

(Fund for Occupational Accidents)

Rue du Trône/Troonstraat 100 - 1050 Bruxelles

02/ 506.84.11 ou info@faofat.fgov.be

www.fao.fgov.be

Unions (or organizations of employees)

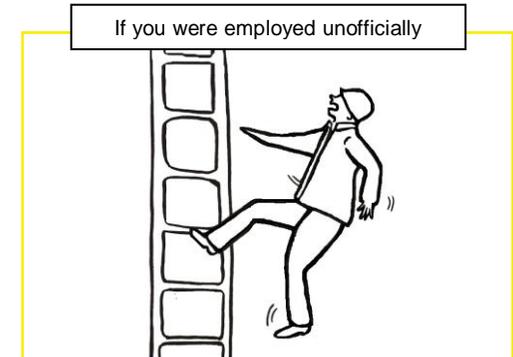
Organizations who defend the individual and collective interests of the member employees:

- **CSC/ACV – (General Christian Union)**
(Rue) Pléтинckx(straat) 19 - 1000 Brussels
02/ 557.84.45
- **FGTB/ABVV – (Socialists Union)**
Rue de Suède/Zwedenstraat 45 - 1060 Brussels
02/ 552.03.34
- **CGSLB/ACLVB – (Liberal Union)**
Boulevard Baudouin/Boudewijnlaan 11
1000 Brussels
02/ 210.01.00

The following pamphlets are available in French, Dutch, English, Spanish, Russian, Portuguese... You can download them for free from our website.

- Medimmigrant - Presentation
- Urgent Medical Assistance for people without legal stay
- Pregnancy, childbirth and postnatal care for women without legal stay
- Health insurance for people without legal stay or with a temporary stay
- (Short) Authorization of residence for medical reasons
- Mental health care for people without legal stay
- Visa for medical reasons + pledge of financial support
- What to do in case of a workplace accident if you were employed unofficially?
- Medical support when returning

What to do in case of a workplace accident ?¹



Telephonic permanence:

Mo: 10 am – 1 pm

Tue: 14 pm – 18 pm

Fri: 10 am – 1 pm

Tel. 02/ 274.14.33/34 • Fax 02/ 274.14.48

E-mail: info@medimmigrant.be

www.medimmigrant.be

Postal address:

164, (rue) Gaucheret(straat) • 1030 Bruxelles

Fortis: 001-2389649-33



With the support of
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Common Community Commission



R.E.: asbl Medimmigrant,
164 rue Gaucheret, 1030 Bruxelles

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¹ This flyer has been made with the help of vzw Or.C.A.
www.orcasite.be

What is an accident at the workplace?

An accident at the workplace is an accident which occurs during and at the execution of a job; and which causes an injury to the employee. The accidents which occur to and from the workplace are considered as workplace accidents. The injury can be physical or psychological.

Contact the employer

When an accident at work happens, contact as soon as possible the employer; even if you do not have a written contract or if you are not employed officially. Make sure a colleague or an acquaintance is present at the conversation with your employer; or inform the employer about the accident by a registered letter. Even if at first notice, there are no injuries caused by the accident, it can be important to inform about the accident. It is advised to record the following:

- The circumstances of the accident
- Who saw the accident
- Who can testify that you were there on that day or that you were working on that location
- What the instructions were on the job that had to be performed
- If there is proof of purchase of material
- If there are pay cheques or proof that the salary has been paid

What are the obligations of the employer?

He is obliged to have insurance for the employees working for him. It is possible that he insured even if you are not employed officially. He is obliged to inform his insurance company within eight calendar days after you have notified him about the accident. Even if he is notified a few months after the accident, he is obliged to notify the insurance company as soon as possible.



What are the obligations of the insurance company?

The insurance company must decide within 30 days to accept, not accept or to keep the situation in deliberation. You have to pay attention that the insurance company will not take the situation in a very long deliberation which can cause to exceed the statutory limitation. The “Fonds voor Arbeidsongevallen” (Fund for Occupational Accidents) (see further) can advise the insurance company but it cannot force the company to accept the accident. If the statutory limitation (which is three years from the date of the accident) approaches, a registered letter must be sent to the insurance company to prevent the statutory limitation for another three years. If you want to protest the decision of the insurance company, you have to start a legal procedure at the Labour Court.

What does the “Fonds pour les Accidents du Travail / Fonds voor Arbeidsongevallen” (Funds for Occupational Accidents) do?

If you did not receive a letter from an insurance company 14 days after reporting the accident to your employer, it means that the employer probably did not have insurance and you can check with the Fonds (Fund) if the employer has indeed reported the accident. You can report a working accident within 3 years but it is advised to do it as soon as possible because the more time that passes between the date of the accident and the date of reporting it to the Fund, the less proof there will be available and the weaker your application will be. You can report the accident by e-mail or letter or you can go to the Fund and fill out the forms with an employee of the Fund. Be sure to note as much information as possible such as data about yourself, the employer, the accident, etc....

The standard form is available on their website (<http://www.fao.fgov.be>) in the section “assuré social/de social verzekerde”.

The Fund will address the insurance company and the employer and point out their responsibilities. If there is no insurance, the Fund will investigate if they can intervene. The full scope of the accident will be studied and an investigation will be made to see if a working relationship was present.

If the Fund accepts the accident as a workplace accident and there was no insurance at the date of the accident, then they can intervene regarding :

- The medical costs
- The compensation for temporarily working disablement
- A possible compensation for permanent disability

Why is this so important?

- If you are disabled you might have no income at all
- You will probably have medical costs. These costs will be paid/reimbursed by the insurance of the employer. In the meantime you can apply at the health insurance office or apply for Urgent Medical Assistance for People without Legal Stay through the OCMW/CPAS (of your residence place or in exceptional cases, of a caregiver). The OCMW/CPAS will verify through a social examination if you are really without legal stay and without means. In case of a positive decision, the OCMW/CPAS will pay the health care provider and/or the medication and will be able to recuperate the money afterwards from the insurance company (See folder ‘Urgent Medical Assistance for people without legal stay’)².
- If the accident causes lifelong disability or if you’ll never be able to generate a full income again, you can acquire through the insurance company or through the Fund a compensation for permanent work disability.

Prevention is better than cure

As an employer you can offer the following and as an employee you can ask this before you accept the employment:

- An insurance policy
 - An official work contract
 - Protective clothing
 - Acceptable work hours and sufficient resting time
- For the employee: join a union, this is possible for people without legal staying permit.

² More information on this topic is available on www.medimmigrant.be or 02/274.14.33/34 – info@medimmigrant.be