

The Extent to which Compensation can be combined for Work injuries in Jordanian Law and judgments of the judiciary.

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Abstract

This study aims at identifying the compensations, which the worker or his/her heirs deserve as a result of the injury this worker incurred at work or because of the work. The study illustrated, in Chapter Two, the injuries and the vocational diseases the worker is exposed to, being injuries that must be compensated, which the study distinguishes them from other injuries. In this concern, not every injury the worker meets is deemed work-related injury, unless it fulfils the specified conditions that match the work injury description. The researcher, in Chapter Three tackled the entitlement of the injured worker and his/her heirs who are deserve a pool of compensations duly stipulated in the provisions of both the Jordanian Labor Act and Social Security Act, which are represented by arbitrary compensations of determined value and amount. The researcher concluded that these compensations are arbitrary and do not fully compensate the damage.

The former legislations permitted claiming the employer additional compensations based on the responsibility for the harmful act. Yet, these legislations linked it to the condition that the error should be caused by the employer in the Labor Act and the Social Security Act, which is the subject matter dealt with in Chapter Four. The researcher concluded that the Jordanian legislator in both abovementioned legislations, when he adopted the "error" idea to claim the employer additional compensations, transgressed the general rules provided by the Jordanian Civil Law, which adopted the "harming" idea that should yield compensations, rather than the "error" idea. Mentioning this term in the previous legislations created a problem in application by jurisprudence and judiciary, due to the difficulty of matching them. The researcher recommended amending the provisions of the two legislations to adopt the "harming" idea, which is included in the general rules, as they mandated compensation. Or else, the legislator cancels the "error" condition, and allows claiming the compensations based on the general rules, because of the difference in the compensation source between the civil law and the laws herein above mentioned.