

Claim application

1) When must an injured employee file a claim if he wishes to seek compensation under the Work Injury Compensation Act?

An employee has up to one year from the date of the accident to submit a claim for work injury compensation to MOM.

2) How does an injured employee file a claim under the Work Injury Compensation Act? What does the overall claim process include?

The employee is required to fill a claim application form and submit it to MOM within one year from the date of accident.

The form is available online at: -

http://www.mom.gov.sg/maintaining_safe_and_healthy_workplace/eservices_forms.html and at MOM counters.

MOM will also extend a copy of the claim application form to the injured employee upon receipt of an accident report by the employer.

For more information on the claim process, please [refer to the Work Injury Compensation Benefits and Claim Process Guidebook.](#)

3) Can an injured employee file a claim under the Work Injury Compensation Act as well as sue his employer in the civil courts for damages arising from the injury?

An employee who has been injured in a workplace accident may either file a claim for compensation

- under the Work Injury Compensation Act or
 - sue his employer in the civil courts for damages,
- but is not entitled to do both.

Notwithstanding this, if the injured employee has filed a claim for work injury compensation under the Act, he may still withdraw his claim under the Act to initiate civil action.

However, his claim has to be withdrawn within 28 days after the Commissioner serves him with a Notice of Assessment (NA) to inform him of his compensation amount.

After the Commissioner serves the NA, the employee and employer (and the insurer, if applicable) have up to 14 days to accept or object to the NA.

The following three scenarios are possible at the end of the 14-day period:

Scenario 1:

All parties accept the NA. The employer (or the insurer, if applicable) is required to make payment to the employee within 21 days after the date of service of the NA.

The case is resolved and the employer will no longer be able to sue his employer in the civil courts subsequently.

Scenario 2:

One or more parties object to the NA.

The employee will have a further 14 days (or up to 28 days after the service of the NA) to decide if he wishes to proceed with his claim under the Act, or withdraw his claim.

Once the employee decides to proceed with his claim under the Act, he will generally no longer be able to sue his employer in the civil courts subsequently.

Scenario 3:

The employee decides that he would like to sue his employer instead of claiming work injury compensation.

He should then withdraw his claim from under the Act in order to commence civil action.