

# Step 2.9: Accident Benefits | |



The Accident Benefit provides financial assistance to registered construction workers who experience unforeseen and sudden events leading to death or permanent, total, or partial disablement.

## What are accident related benefits under BoCW?

1. When a registered construction worker experiences an accident during their employment, the employer is obliged to provide compensation as per the Employee's Compensation Act, 1923.
2. The Secretary or an authorized representative may grant compensation as follows: 50% in a Fixed Deposit in a National Bank and 50% through an account payee cheque or Direct Benefit Transfer (DBT).
3. The compensation amounts are as follows:
  1. INR 5 Lakh to the nominee in the event of death,
  2. INR 2 Lakh for permanent total disablement, and
  3. INR 1 Lakh for permanent partial disablement, proportionate to the degree of disablement as defined by the Employee's Compensation Act, 1923.

## When are benefits from the accident scheme not provided?

Benefits will not be given under

1. Natural Death
2. payment of compensation in Respect of Death or injury as a consequence of resulting from-
  - Committing or attempting suicide, Intentional self-injury;
  - whilst under the influence of intoxicating liquor or drugs;
  - Committing any breach of law with the criminal intent;
  - Pregnancy during childbirth, miscarriage, abortion or complication arising there from;
  - curative treatments or interventions;
  - venereal or sexually transmitted diseases;
  - HIV or related illness;
  - Any attempted crime on the body

#### What type of documents are required for application?

1. Photocopy of ID card attested by gazette officer
2. Photocopy of bank passbook Beneficiary or Nominee's in case of beneficiary's death
3. Beneficiary/original Identity card, Issued by the board.
4. Respective application shall be made in Form XXI or XXI-B
5. Death Certificate (in case of death due to accident)
6. Postmortem report
7. Any Photo ID proof of Nominee
8. FIR copy
9. Medical report
10. Employer Certificate
11. Form XXI-A (This document has to be filled by the employer and uploaded)
12. Application shall be submitted within one year of accident
13. Subscription certificate by SLI/LI

#### Common reasons why construction workers fail to receive the benefits accident scheme

##### Exclusion owing to eligibility

- Labor must be registered as a construction worker to qualify for the scheme.

##### Exclusion owing to documentation related

- An attested photocopy of the ID card by a gazetted officer is required, posing challenges for migrant workers in obtaining the necessary attestation for the photocopy.
- In the unfortunate event of a worker's death due to an accident, both the death certificate and the post-mortem report are required.
- An FIR (First Information Report) copy is mandatory, even for minor accidents.
- Medical reports need to be provided.
- Form XXI-A, which must be completed by the employer and uploaded, is a scheme-related document.

### **On-ground implementation issues**

- FIR is essential, even in cases of minor accidents.
- In certain situations, FIR may not be filed for fatalities resulting from a tree fall or a collision involving a BMTC bus.
- It's important to note that during accidents, workers are typically sent to the nearest hospital for treatment. However, the KBOCW (Karnataka Building and Other Construction Workers) scheme requires treatment to be received at an affiliated hospital for eligibility.

### **Worker/ behavioral issues**

- A significant challenge is the lack of awareness among many construction workers about their entitlement to accident benefits.
- Claims delayed beyond six months are not in accordance with the regulations. Verification errors can result in outright rejection without an opportunity for resubmission.
- The department often requests FIR and postpartum reports for claims, but most workers do not pursue FIR or reports for documentation, posing an additional challenge in accessing the benefits.

## **Questions and scenarios for discussion**

1. Do doctors ask for bribes?
2. Can benefits under this be availed along with benefits under UDID card?

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