

ARMED FORCES (AMENDMENT) (NO.1) REGULATIONS, 2000

The Armed Forces (Civilian Employees) Regulations, 1977 L.I. 1114 (A.F.) are amended as follows by insertion after article 315. 02 to 315.99 of the following:

CHAPTER 316

COMPENSATION FOR DEATH, INJURY OR DISEASE ATTRIBUTABLE TO SERVICE WITH THE ARMED FORCES (CIVILIAN EMPLOYEES)

316.01 Interpretation

In this Chapter, unless the context otherwise requires,

"Dependent Child" means unmarried child under the age of 18 or a person in a training institution;

"Dependant parent" means a parent who had been depending upon the deceased for at least one half of his or her financial support at the time of the deceased's death;

"Civilian employee" in a case of a deceased employee includes his/her personal representative;

"Minister" means the Minister of Defence.

316.02 Condition of award

(1) Compensation shall be payable where the Minister accepts that injury or disease resulting in disablement or death is attributable to, or has been aggravated by, service with the Armed Forces.

(2) No compensation shall be paid to a civilian employee or his estate where the death, injury or disease has been caused by,

(a) his wilful misconduct; or

(b) his wilful intent to bring about the death, injury or disease.

(3) Without prejudice to the generality of this article, death, injury or disease of a civilian employee shall be deemed to be attributable to service with the Armed Forces in the absence of any wilful misconduct or wilful intent when

(a) the death, injury or disease resulted as a natural consequence of performing official functions as an employee of the Armed Forces;

- (b) the death, injury or disease resulted from an accident sustained by a civilian

employee at his place of work if his presence there was connected with his official functions as an employee of the Armed Forces;

(c) the death, injury or disease resulted from an accident sustained by a civilian

employee whilst serving as an employee of the Armed Forces and immediately before the accident such civilian employee was en route to or from his residence to a place where his presence was required for the performance of official functions as an employee of the Armed Forces;

(d) the death, injury or disease was directly due to the presence of the civilian

employee in an area involving special hazards to the health or security of the civilian employee as a result of such hazards, and his presence there was required for the performance of his official functions as an employee of the Armed Forces;

(e) the death, injury or disease occurred as a direct result of travelling by

means of transportation furnished by or at the expense or direction of the Armed Forces in connection with the performance of official functions.

(4) For the purposes of providing compensation for death, injury or disease, a student nurse or a candidate in training under the sponsorship of the Armed Forces for employment by the Armed Forces shall be deemed to be a civilian employee.

(5) The death, injury or disease resulting from an accident sustained by any person en route to or from his residence to a place where his presence is required as part of an employment process shall be deemed to be attributable to service with the Armed Forces as if he had been employed immediately before the accident.

(6) The compensation payable under these Regulations shall be in full satisfaction of any claim to which any civilian employee or his estate may be entitled under any law or Regulations except that no compensation under these Regulations shall prevent the subsequent payment of any award of death gratuity, and other benefits prescribed for the Civilian Employees of the Armed Forces under the terms and conditions of employment.

(7) Notwithstanding any provisions on retirement pay, a civilian employee who suffers a permanent total incapacitation or a disability specified to be 100 percent under the Tables to Article 316. 07 or 316. 08 shall be retired on full pay provided the incapacity or disability is attributable to, or aggravated by, service with the Armed Forces.

316.03 Claims against third parties

(1) If a death, injury or disease for which compensation may be payable is caused in circumstances which create a legal liability on a third person or organisation to pay damages therefor to a civilian employee, the Minister may, conditional to granting such compensation, require the civilian employee to assign to the Minister any right of action to enforce such a liability, or participate with the Minister in prosecuting such action.

(2) The civilian employee shall furnish the Minister with such data and evidence as may be available to him for prosecuting such action and render the Minister any assistance which may be required for prosecuting such action. He shall not settle any claim or action against such third person or organisation without the consent of the Minister, but the Minister shall be entitled to settle or require the employee to settle any claim or action against such third person upon such terms as seem reasonable to the Minister.

(3) If a civilian employee either on his own or jointly with the Minister settles any claim against such claims, the proceeds derived therefrom shall be used,

(a) to defray the cost of the suit or settlement, including reasonable fees; and

(b) to reimburse the Minister for any compensation including expenses of

medical and funeral services provided by the Minister with respect to the death, injury or disease, and

the balance shall be paid over to the estate of the civilian employee and the Ministry's liability shall to that extent be reduced.

316.04 Non-assignability

(1) A civilian employee who may be entitled to compensation under these regulations may not assign his rights to another person.

316. 05 Compensation for death

(1) In the event of death of a civilian employee which is attributable to service with the Armed Forces, the Minister shall be responsible for

(a) the preparation of the remains and all reasonable funeral expenses;

(b) transportation expenses where transport is not provided; and

(c) all reasonable medical, hospital and directly related expenses incurred by

the civilian employee or his personal representative.

316.06 Survivor's benefits

(1) In the event of the death of a civilian employee which is attributable to service with the Armed forces, the amount of compensation shall be a sum equal to sixty month's earnings.

(2) Where the deceased made a nomination the compensation payable shall be considered as forming part of his death benefits.

316.07 Compensation for injury

(1) Where permanent total is the result of from an injury the amount of compensation shall be a sum equal to ninety-six month's earnings.

(2) Where it is accepted that an injury of a civilian employee resulting in disability is attributable to, or has been aggravated by service with the Armed Forces, the Minister shall provide the civilian employee with the necessary medical service or pay all reasonable medical, hospital and directly related expenses incurred by him.

(3) **In** the case of injury resulting in permanent total disability the amount of compensation shall be

(a) in the case of an injury specified in the Table under this Article, a percentage of the compensation which would have been payable in the case of permanent total disability specified therein as being the percentage of the loss of earning ability caused by that injury;

(b) in the case of an injury not specified in the Table under this Article, compensation which would have been payable in the case of permanent total disability and proportionate to the loss of earning ability caused by the injury.

(4) Where more injuries than one are caused by the same accident, the amount of compensation payable under the provisions of this Article shall be aggregated, but not so in any case as to exceed the amount which would have been payable if permanent total disability had resulted from the injuries.

TABLE TO ARTICLE 316.07

Injury

- 1.Loss of two limbs
- 2.Loss of both hands or of all fingers and thumbs . .
- 3.Loss of both feet
- 4.Total loss of sight
- 5.Total paralysis
- 6.Injuries resulting in being permanently bed-ridden .
- 7.Any other injury causing permanent total disablement .
- 8.Loss of arm at shoulder
- 9.Loss of arm between elbow and shoulder
- 10.Loss of arm at elbow
- 11.Loss of arm between wrist and elbow
- 12.Loss of arm at wrist

- 13.Loss of four fingers and thumb of one hand
- 14.Loss of four fingers of one hand
- 15.Loss of thumb-both phalanges
- 16.Loss of thumb one phalanx
- 17.Loss of index finger-three phalanges
- 18.Loss of index finger-two phalanges
- 19.Loss of index finger-one phalanges

Percentage of Injury

Disability

100 100 100 100 100 100 100

80 70 70 70 70 50 50 35 10 15 10

- 20.Loss of middle tinger-three phalanges
- 21.Loss of middle finger-two phalanges
- 22.Loss of middle finger-one phalanx
- 23.Loss of ring finger-three phalanges
- 24.Loss of ring finger-two phalanges
- 25.Loss of ring finger-one phalanges
- 26.Loss of little finger-three phalanges
- 27.Loss of little tinger-two phalanges
- 28.Loss of little finger-one phalanx
- 29.Loss of metacarpals-first second (additional) . .
- 30.Loss of metacarpals-third, fourth or fifth (additional) . .
- 31.Loss of leg-at or above knee
- 32.Loss of leg-below knee

- 33.Loss of foot
- 34.Loss of toes-all on one foot
- 35.Loss of toe-great, both phalanges
- 36.Loss of toe-great, one phalanx
- 37.Loss of toe other than great
- 38.Loss of sight of one eye
- 39.Loss of hearing one ear
- 40.Loss of remaining eye by one-eyed workman . .
- 41.Total loss of hearing
- 42.Loss of remaining leg by one-legged workman .
- 43. Loss of remaining arm by one-armed workman .
- 44. Loss of mental capacity.....
- 45. Loss of upper or lower central incisor.....
- 46. Loss of upper or lower lateral incisor.....
- 47. Loss of upper or lower canine.....
- 48. Loss of anyone posterior tooth, that is to say premolar or molar.
- 49. Fracture of upper or lower jaw.....

Percentage of Disability

10 6 4 6 5 3 5 4 3 4 3

75 60 40 20 10

3 2 40 15 100

100 100 100 100

3 2 2 1

25

316.08. Compensation for disfiguring injury

(1) If personal injury of the description specified in any entry in column 1 of the Table to this Article by accident attributable to military service is caused to a civilian employee, the Minister of Defence shall pay as compensation an amount for such injury determined by the Minister not exceeding such percentage of the compensation payable in case of permanent total disability as specified in the corresponding entry in column II of the Table.

(2) The compensation payable under paragraph (1) of this article shall be irrespective of whether or not any compensation is payable under any other provision of this regulation; so however that any mutilation in respect of which compensation is provided under the Table under Article 313.12 shall not rank as disfigurement under the Table to this Article.

(3) Where more injuries than one are caused by the same accident, the amount of compensation payable under this article shall be aggregated, but not so in any case as to exceed the amount which would have been payable if permanent total disability had resulted from the injuries.

(1) Mutilation or amputation of one ear .

(2)

15

(3) (4) (5) (6)

Deformity of the hand through the loss all the three Phalanges of a finger

and the metacarpals of the hand .

Mutilation or amputation of nose .

Conspicuous deformity of face generally .

Conspicuous deformity of external appearance generally, other than face

Functional loss of genital organs .

20 30 50 40 85

316.09 Occupational disease

(1) The Minister may, by instructions published for the guidance of civilian employees extend the provisions of this chapter to disablement or death certified as caused by any disease specified in the instructions, and compensation shall, subject to the provisions of this article be payable as if any disease so specified, if the disease is due to the performance of duty and contracted within a period of twelve months previous to the date of the civilian employee's disablement, were a personal injury attributable to military service.

(2) The Minister may specify in any instructions made under this Article that any disease shall, unless otherwise certified by a medical board or unless the Minister can prove to the

contrary, be deemed to arise in the course of duty if the officer or man who contracts any such disease was within a period of twelve months previous to the date of disablement by such disease engaged in the process or processes specified in the instructions in relation to that disease.

(3) No compensation shall be payable under the provisions of this Article in respect of disablement or death of a civilian employee if the disablement begins or the death happens as the case may be more than twelve months after the civilian employee has ceased to be a civilian employee of the Armed Forces, but if the incubation period of the disease is more than twelve months, such a period shall be taken into account, except where the death of a civilian employee has been preceded by any period of disablement due to the disease causing the death in respect of which the Minister is liable under this regulation.

316. 10 International claims

(1) Where death, injury or disease for which compensation may be payable occurs while a civilian employee is in the service of or on secondment to, an international body or organisation the Minister may claim from such a body or organisation compensation based on the rates applicable to the permanent employees of the body or organisation.

(3) The Board may be consulted by the Minister on any matter connected with the implementation and administration of the regulations.

(4) For the purpose of advising the Minister on the eligibility or entitlement of a claimant, the Board may require a claimant, or other persons claiming on his behalf or a medical officer involved in the claim to appear before the Board or to produce such documentary or medical evidence as the Board may require in support of the claim.

(5) Failure to provide any evidence required by the Board or refusal to appear before the Board when required may bar payment of compensation.

(6) The Advisory Board may make arrangements for a Medical Board to be consulted on the medical aspects of a claim.

(7) A claim for compensation shall be submitted in the form prescribed under the table below to the Commanding Officer or Head of Department of the affected civilian employee who shall forward it to the General Headquarters of the Armed Forces.

TABLE TO ARTICLE 316.12 PART I

APPLICATION FOR COMPENSATION FOR INJURY OR DISEASE ATTRIBUTABLE TO SERVICE WITH THE ARMED FORCES

1. I hereby apply for compensation for (injury/disease, death) under the terms of Chapter 316 of Armed Forces Regulations (Civilian Employees).

2. No: Status: Name:

..... Unit:

3. I assign my right to enforce this claim against the tortfeasor to the Minister of Defence and no other person shall have the right to pursue this claim.
4. I understand and agree to offer any assistance which may be requested by the Minister of Defence for the pursuance of this claim and I shall have no right of indemnity or damages against the Minister or any officer or man for any loss or damage which I may suffer as a consequence of any negligence or breach of contract in or arising out of the enforcement of this claim.
5. Give brief facts of case (*attach documentary proof*)

Date:

Signature of Applicant

(2) The amount of compensation payable by the Minister to a civilian employee or his beneficiary shall be based on his local earnings in Ghana.

316. 11 Reporting of death, injury or disease

(1) Death, injury or disease which appears to be attributable to service with the Armed Forces shall be reported as soon as practicable to the General Headquarters of the Armed Forces and to the Military Hospital or the Local Medical Reception Station.

(2) **In** addition, in the case of all fatal and other serious accidents, the Commanding Officer or Head of Department of the victim shall convene a Board of Inquiry to investigate and report upon the accident giving in particular,

- (a) the date, time and place of the accident;
- (b) the name of all persons present;
- (c) the details of actual duties being performed at the time of the accident;
- (d) the statement of witnesses;
- (e) the most complete and obtainable medical report or information;
- (j) the names of all persons injured distinguishing between civilian employees

and other personnel;

- (g) the report of any pending proceedings or actual findings of a Civil Court,

the report of the board and the comments of the Commanding Officer or Head of Department shall be forwarded to the Advisory Board on Compensation Claims through the General Headquarters of the Armed Forces.

316. 12 Advisory Board on compensation claims

(1) There shall be established an advisory board on compensation claims which shall be composed of the following:

- (a) the Director-General of Personnel Administration as Chairman;
- (b) the Director of Legal Services;
- (c) the Director of Medical Services;
- (d) the Defence Financial Controller;
- (e) the Director of Civilian Establishment; and
- (j) , the Assistant Director of Legal Services-Member/Secretary.

(2) The Board shall make recommendations through the Chief of Defence Staff to the Minister concerning claims for compensation under these Regulations.

PART VI COMMENTS/COMMENDATION BY DLS/DMR

Date: .

Signature of DLSIDMR

PART VII COMMENTS/RECOMMENDATION BY CDS

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Date: .

Signature of CDS

PART VIII

APPROVAL BY MINISTER OF DEFENCE

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Date: .

Signature of Minister of Defence

[Date of Gazette notification: 12th May, 2000]

Entry into force: 18th May, 2000]

HEAD OF DEPARTMENT/CO'S COMMENTS

Date: .

Signature of Head of Dept/CO

PART II DIRECTOR-GENERAL/FORMATION COMMANDER'S COMMENTS

Date: .

Signature of DOIFmm Comd

PART III

SERVICE COMMANDER'S COMMENTS

Date: .

Signature of Svc Comd

PART IV

RECOMMENDATIONS/COMMENTS BY DMS

Date: .

Signature of DMS

PART V COMMENTS/RECOMMENDATIONS BY DFC

Date: .

Signature of DFC