

CAYMAN ISLANDS



**THE WORKMEN'S COMPENSATION  
(AMENDMENT) LAW, 1966**

(Price \$1.60)



CAYMAN ISLANDS

LAW 28 of 1966

I assent

(L.S.)

J.A. CUMBER  
*Administrator*

28th OCTOBER, 1966

A LAW to Amend the Workmen's Compensation Law, 1964.

( )

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Workmen's Compensation (Amendment) Law, 1966 and shall come into operation on a day to be appointed by the Administrator by Government Notice published in the Cayman Islands.

Short title  
and  
commencement.

2. Subsection (1) of section 2 of the Workmen's Compensation Law, 1964 (hereinafter referred to as the principal Law) is hereby amended in the following respects –

Amendment of  
Section 2 of  
Law 20 of 1964.

- (a) by the insertion immediately after the definition of "agriculture" of the following definition –  
"agricultural holding" means agricultural land which is occupied or farmed or managed as a single unit; and includes two or more

parcels of such land contiguous one to another'';

- (b) by deleting the definition of "dependents" and substituting therefor the following —

"dependents" means —

- (a) such of the members of a workman's family as were wholly or in part dependent upon the wages of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent;
- (b) such of the following persons as were wholly or in part dependent upon the wages of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent, that is to say —
  - (i) any minor not being a member of the workman's family;
  - (ii) a parent or grandparent of whom the workman is the illegitimate child or grand child;
- (c) any other person who satisfies the court that immediately before the occurrence of the accident his relationship with the workman was such as to render him wholly dependent upon the wages of the workman and that either —
  - (i) there are no such dependents as are referred to in paragraphs (a) and (b) of this definition; or
  - (ii) special circumstances exist which justify that person's being treated as a dependent within the meaning of the said paragraph (a):

Provided that a person shall not be deemed to be a partial dependent of another person unless he was

dependent partially on contributions from that other person for the provision of the ordinary necessities of life suitable for persons in his class and position;

- (c) by deleting the colon appearing after the word "done" in the definition of "workmen" and substituting therefor a semicolon and adding the following –

"so, however, that any such person whose remuneration exceeds seven hundred and fifty pounds a year shall not be regarded as a workman unless his contract of service or apprenticeship so provides;"

- (d) by deleting paragraph (a) of the proviso to the definition of "workman";
- (e) by the insertion in paragraph (e) of the definition of "workman" immediately after the word "unless" of the words "employed on agricultural holdings of twenty-five acres or more, or";
- (f) by deleting paragraph (f) of the proviso to the definition of "workman" and substituting therefor the following –

"(f) domestic servants except –

- (i) those employed in a hotel, guest-house, boarding house, residential club, or other establishment of a like nature; and
  - (ii) those who, in the performance of their duties as domestic servants are engaged in driving any motor vehicle; or";
- (g) by the deletion from the definition of "workman" of paragraph (i).

3. Subsection (1) of section 5 of the principal Law is hereby amended in the following respects –

- (a) by deleting from sub-paragraph (i) of paragraph (a) the words "five hundred" and substituting

Amendment of  
section 5 of the  
principal Law.

therefor the words "seven hundred and fifty";

(b) by deleting from paragraph (b) the words "seven hundred" wherever they appear and substituting therefor the words "one thousand";

(c) by deleting the semicolon at the end of sub-paragraph (ii) of paragraph (b) and substituting therefor a colon and adding the following proviso—

"Provided that the amount of compensation payable under sub-paragraph (i) or (ii) of this paragraph shall in no case be less than five hundred pounds";

(d) by deleting from sub-paragraph (i) of paragraph (d) the word "one fourth" and substituting therefor the word "one-third".

Amendment of  
section 6 of  
principal Law.

4. Subsection (1) of section 6 of the principal Law is hereby amended —

(a) by deleting paragraph (c) and substituting therefor the following —

"(c) where the nature of the employment is casual, or where by reason of the shortness of the time during which the workman has been in the employment of his employer, or the absence of proper records of the workman's earnings, or the terms of employment, it is impracticable at the time of the accident to apply the method of computation set out in paragraph (b) of this subsection, the monthly wages of the workman shall be deemed to be —

(i) the average monthly amount, which, during the twelve months immediately preceding the accident, was being earned by a workman in the same grade employed at the same work by the same

Loss of one phalanx of the thumb of either hand	25
Loss of four fingers of either hand	35
Loss of three fingers of either hand	30
Loss of two fingers of either hand	25
Loss of whole of the index finger of either hand	10
Loss of two phalanges of the index finger	8
Loss of one phalanx of the index finger	4
Loss of whole of the middle finger of either hand	8
Loss of two phalanges of the middle finger of either hand	6
Loss of one phalanx of the middle finger	4
Loss of whole of the ring or little finger of either hand	5
Loss of two phalanges of the ring or little finger of either hand	4
Loss of one phalanx of the ring or little finger of either hand	2
Loss of either leg at or above the knee	70
Loss of either leg below the knee	50
Loss of either foot	50
Loss of all toes of either foot	20
Loss of both phalanges of the great toe of either foot	10
Loss of one phalanx of the great toe of either foot	2
Loss of any toe other than the great toe	2
Loss of one eye without complications, the other being normal	30
Loss of sight to such an extent as to render the workman unable to perform any work for which eyesight is essential	100
Loss of hearing in both ears	50

Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be the equivalent of the loss of that limb or member. The percentage of incapacity for ankylosis of any joint shall be reckoned as from 25% to 100% of the incapacity for loss of the part of that joint, according to the degree of unfavourableness of the ankylosis of such joint.

When there is loss of two or more parts of the hand, the percentage of incapacity shall not be more than for the whole hand."

Passed the Assembly this 10th day of June, 1966.

J.A. CUMBER

*President*

SYBIL McLAUGHLIN

*Clerk of the Legislative Assembly*

Government Notice No. 128 of 1966

Date of operation 1st November, 1966.

disease, and the circumstances in which such disease is, where the workman in question has previously suffered therefrom, to be treated as having recrudesced or as having been contracted afresh.

(5) Nothing in this section shall affect the right of any workman to benefit in respect of a disease which is a personal injury by accident within the meaning and intent of this Law, except that a workman shall not be entitled to benefit in respect of a disease as being an injury by accident arising out of and in the course of his employment if at the time of the accident the disease is in relation to him a prescribed disease by virtue of the occupation in which he is engaged in his employment.

Application to prescribed diseases of provisions as to benefit and claims.

39. The benefit payable under section 38 of this Law in respect of a prescribed disease, the conditions for receipt of such benefit and the provisions for making, hearing, and determination of applications for compensation therefor, shall be the same as in respect of personal injury by accident arising out of and in the course of the workman's employment."

Repeal and replacement of Schedule to principal Law.

14. The Schedule to the principal Law is hereby repealed and the following Schedule substituted therefor —

"SCHEDULE (Section 2)

List of injuries deemed to result in a permanent partial incapacity.

Injury	Percentage of Loss of earnings capacity
Loss of either arm at or above elbow	70
Loss of either arm between the wrist and the elbow	65
Loss of either hand at wrist or of four fingers and thumb of either hand	60
Loss of both phalanges of the thumb of either hand	35

employer, or, if there is no such workman so employed, by a person in the same grade employed in the same class of employment and in the same district; and in any event

(ii) not less than six pounds per month:";

(b) by deleting from the proviso the word "twenty" wherever it appears and substituting therefor the word "forty".

5. Section 7 of the principal Law is hereby amended by deleting the full stop at the end of subsection (2) and substituting therefor a colon and adding the following proviso —

Amendment of section 7 of principal Law.

"Provided that no deduction shall be made from such lump sum of any amounts received by the workman in respect of the first six half-monthly payments."

6. Section 10 of the principal Law is hereby amended by deleting from subsection (5) the word "eight" and substituting therefor the word "twelve".

Amendment of section 10 of principal Law.

7. Section 13 of the principal Law is hereby amended by adding next after subsection (2) the following subsection as subsection (3) of the section —

Amendment of section 13 of principal Law.

"(3) Notwithstanding the provisions of subsection (1) of this section if the medical referee certifies that a workman is, by reason of injury, unfit for work for a period specified in the certificate and such workman ceases to reside in the Cayman Islands during that period, any half-monthly payments, or balance of such payments, that may be due or may become due to him in respect of such period shall be redeemed by a lump sum".

8. Section 17 of the principal Law is hereby amended by deleting from paragraph (a) of the proviso to subsec-

Amendment of section 17 of principal Law.

tion (4) the word "fourteen" and substituting therefor the word "twenty-one".

Amendment of  
section 24 of  
principal Law.

9. Section 24 of the principal Law is hereby amended by deleting subsection (2).

Amendment of  
section 25 of  
principal Law.

10. Section 25 of the principal Law is hereby amended by adding next after subsection (2) the following subsection as subsection (3) of the section —

"(3) Every claim or any matter arising out of proceedings thereunder in respect of an accident to any person specified in this section which occurred outside the territorial waters of the Cayman Islands shall be determined by the Court and the provisions of sections 28 and 29 of this Law in relation to the procedure for making and dealing with applications shall apply."

Amendment of  
section 26 of  
principal Law.

11. Section 26 of the principal Law is hereby amended by deleting the full stop at the end thereof and substituting therefor a colon and the following proviso —

"Provided that the Court may grant leave to the workman to make such application before the expiration of the period of four weeks specified in this section if the Court is satisfied that the workman is likely to suffer hardship in establishing his claim for compensation after the expiration of the said period by reason of the fact that the employer is about to leave the Cayman Islands or to do some other act prejudicial to the claim of the workman."

Amendment of  
section 29 of  
principal Law.

12. Section 29 of the principal Law is hereby amended —

(a) by deleting from subsection (1) the word "fourteen" and substituting therefor the word "twenty-one";

(b) by deleting from subsection (2) the word "seven" and substituting therefor the word "fourteen".

Addition of new  
sections 38 and  
39 to principal  
Law.

13. The principal Law is hereby amended by adding next after section 37 the following sections as sections 38 and 39 —

"Industrial  
Disease.

38. (1) A workman shall be entitled to

compensation under this Law where he becomes incapacitated by reason of any disease prescribed by regulations made under this Law as being a disease due to the nature of his employment and developed after the commencement of the Workmen's Compensation (Amendment) Law, 1966.

(2) A disease may be prescribed for the purposes of this Law in relation to any workman if the Administrator in Executive Council is satisfied that —

(a) it ought to be treated, having regard to its causes and incidence and any other relevant considerations, as a risk of his occupation and not as a risk common to all persons; and

(b) it is such that, the attribution of particular cases to the nature of the employment can be established or presumed with reasonable certainty.

(3) Regulations prescribing any disease for the purposes of this Law may provide that a workman who developed the disease on or at any time after a date specified in the regulations (being a date before the regulations came into force but not before the commencement of the Workmen's Compensation (Amendment) Law, 1966) shall be treated for the purposes of this Law, subject to any modifications prescribed in such regulations as if the regulations had been in force at the time when he developed the disease.

(4) Regulations prescribing any disease for the purposes of this Law may provide for determining the time at which a workman is to be treated for the purposes of this Law as having developed such