

REPUBLIC OF KIRIBATI  
(No. 12 of 1980)

I assent,

*U. Tolani*  
Beretitenti.  
31 December, 1980.

AN ACT TO AMEND THE WORKMEN'S COMPENSATION  
ORDINANCE BY REPLACING  
THE SCHEDULE THERE TO.

Commencement: 31 December, 1980

MADE by the Maneaba ni Maungatabu and assented to by the  
Beretitenti.

Short title.

1. This Act may be cited as the Workmen's Compensation  
(Amendment) Act, 1980.

Repeal and  
substitution of  
Schedule.  
Cap. 102.

2. The Schedule to the Workmen's Compensation Ordinance is  
repealed and the following Schedule substituted -

"SCHEDULE  
(Sections 3(1) and 8(1))

	Percentage of incapacity
Loss of two limbs .. .. .	} 100
Loss of both feet .. .. .	
Loss of both hands or of all fingers and thumbs	
Total loss of sight .. .. .	
Total paralysis .. .. .	
Injuries resulting in being bedridden	
permanently .. .. .	
Any other injury causing permanent total	
disablement .. .. .	
Loss of remaining eye by one-eyed workman ..	
Loss of remaining arm by one-armed workman ..	
Loss of remaining leg by one-legged workman ..	
Loss of arm at shoulder .. .. .	
Loss of arm between elbow and shoulder ..	
Loss of arm at elbow .. .. .	
Loss of arm between wrist and elbow .. .. .	
Loss of hand at wrist .. .. .	
Loss of four fingers and thumb or one hand ..	
Loss of four fingers .. .. .	} 35
Loss of thumb -	
both phalanges .. .. .	
one phalanx .. .. .	
the pulp of the thumb .. .. .	
Loss of index finger -	
three phalanges .. .. .	
two phalanges .. .. .	
one phalanx .. .. .	
pulp of an index finger .. .. .	

	Percentage of Incapacity
Loss of middle finger -	
three phalanges .. .. .	10
two phalanges .. .. .	8
one phalanx .. .. .	4
pulp of a middle finger .. .. .	2
Loss of ring finger -	
three phalanges .. .. .	10
two phalanges .. .. .	8
one phalanx .. .. .	4
pulp of a ring finger .. .. .	2
Loss of little finger -	
three phalanges .. .. .	10
two phalanges .. .. .	8
one phalanx .. .. .	4
pulp of a little finger .. .. .	2
Loss of metacarpals -	
first or second (additional) .. .. .	3
third, fourth or fifth (additional) .. .. .	2
Loss of leg above knee resulting in a stump ..	
less than 6 inches long .. .. .	90
Loss of leg above knee resulting in a stump	
more than 6 inches long .. .. .	70
Loss of leg below knee .. .. .	45
Loss of foot .. .. .	40
Loss of toes -	
all of one foot .. .. .	15
great, both phalanges .. .. .	8
great, one phalanx .. .. .	4
other than great, each part with some loss of bone .. .. .	1
Loss of eye -	
eye out .. .. .	40
Loss of sight of eye .. .. .	40
Loss of lens of eye .. .. .	30
Loss of sight of, except perception of light	40
Loss of hearing -	
both ears .. .. .	70
one ear .. .. .	30
Facial disfigurement -	
Very severe .. .. .	100
Severe .. .. .	40
Moderate .. .. .	20
Minor .. .. .	5

	Percentage of Incapacity
Total loss of natural Permanent Teeth -	
(1) Anterior Teeth -	
Loss of 1, 2, or 3 teeth .. .. .	4
Loss of 4, 5 or 6 teeth .. .. .	5
Loss of 7 to 12 teeth .. .. .	6
(2) Posterior Teeth -	
Loss of 1 tooth .. .. .	1
Loss of 2 to 5 teeth .. .. .	2
Loss of 6 to 16 teeth .. .. .	4

Total permanent loss of use of member shall be treated as loss of member.

The percentage of incapacity for ankylosis of any joint shall be reckoned as from twenty-five to one hundred per cent of the incapacity for loss of the part at that joint, according to whether the joint is ankylosed in a favourable or unfavourable position.

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

Where there are two or more injuries, the sum of the percentages for such injuries may be increased, and where such injuries are to the hand, the following basis of computing the increase shall be adopted, namely:-

- (a) where two digits have been injured, the sum total of the percentages shall be increased by twenty per centum of such sum total;
- (b) where three digits have been injured, the sum total of the percentages shall be increased by thirty per centum of such sum total;
- (c) where four digits have been injured, the sum total of the percentages shall be increased by forty per centum of such sum total.

A one-eyed workman who on entering employment has failed to disclose the fact that he is one-eyed, to his employer, shall, if he loses his remaining eye, be entitled to compensation in respect of a degree of disablement of forty per centum only.

For the purpose of this Schedule a "one-eyed workman" means a "workman who has lost the sight of one eye."

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 10 December, 1980, and is found by me to be a true and

correctly printed copy of the said Bill.



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Clerk to the Maneaba ni Maungatabu

Published by exhibition -

- (1) at the Public Office of the Beretitenti on  
31 December, 1980.



.....  
Secretary to Cabinet

- (2) at the Maneaba ni Maungatabu on 31 December, 1980.
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.....  
Clerk to the Maneaba ni Maungatabu

THE WORKMEN'S COMPENSATION (AMENDMENT) ACT, 1980

EXPLANATORY MEMORANDUM.

The traditional basis of compensation for injury under the Workmen's Compensation legislation is that the workman is compensated for having his capacity to work reduced by his injury. This means that purely disfiguring injuries such as severe scarring, which do not affect the workman's ability to work, are not subject to payment of compensation under the Ordinance. The workman will only be able to obtain compensation for such injuries if he can prove fault on the part of his employer in an action for damages, whereas under the Ordinance the workman is compensated for injuries which may even be entirely his own fault.

It is considered that the present Ordinance is too restrictive and that the category of injuries for which compensation is automatically payable should be widened. The Bill replaces the Schedule to the Ordinance and the new Schedule now includes:-

- (1) Facial disfigurement of varying degrees;
- (2) Pulp of the fingers, i.e. finger tips;
- (3) Toes other than the big toes;
- (4) Loss of teeth.

The opportunity has also been taken to increase the % of disability allocated to most of the Scheduled injuries.

Teburea Bakaoti  
Member for Betio

WORKMEN'S COMPENSATION (AMENDMENT) ACT, 1980

LEGAL REPORT

I hereby certify my opinion that none of the provisions of the above Act conflict with the Constitution and that the Beretitenti may properly assent to the Act.

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Michael Jennings  
Attorney General  
16 December, 1980