

# An accident on site...

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11 December 2018

# The Scenario...

# Always Compliant Limited

- Always Compliant Limited (**AC**), a relative newcomer in the Middle East, has been awarded its first major contract in Doha for the construction of a railway station in Al Sadd (**Project**).
- AC has engaged a sub-contractor Unfortunate Incident Limited (**UI**), which will be responsible for part of the Project.
- AC takes health and safety very seriously; all workers receive regular health and safety training.
- As an additional precaution, AC also closely monitors the health of its workers through regular check-ups to ensure they are healthy enough to work on site without causing a danger to others.
- As a result of the intense health and safety training, AC has never had to deal with a major incident on a site in Qatar to date.

# Accident!

- A Turkish crane operator, Mustafa, employed by AC, suffers a heart attack and loses consciousness whilst moving a concrete slab weighing 1.2 tonnes at height.
- The concrete dropped into a pit where four Nepalese workers were working below.
- Three of the Nepalese workers have been killed instantly, whilst the fourth, Nabin, has suffered severe spinal injuries.
- Mustafa, the crane operator is in a stable condition, but requires medical treatment immediately.
- After around 10 minutes, the site manager, Peter, who was in a different area of the site, arrives and quickly assesses the situation before calling the police.
- Peter instructs some of the workers to assist the injured worker and all other workers to remain on site until the police arrive.

# What is a workplace injury?

# Is then what happened to Nabin and his colleagues a workplace accident?!

The Labour Law defined a work injury as:



*“the suffering by the worker from any of the occupational diseases listed in Schedule No. (1) of the Labour Law; or any injury resulting from an accident happening to the worker **during the performance of his work or by reason thereof or on his way to or back from his work** provided that the journey to and from the work is without any break lingering, or diversion the normal route.”*

# **What are the areas of liability for workplace injuries/ fatalities?**

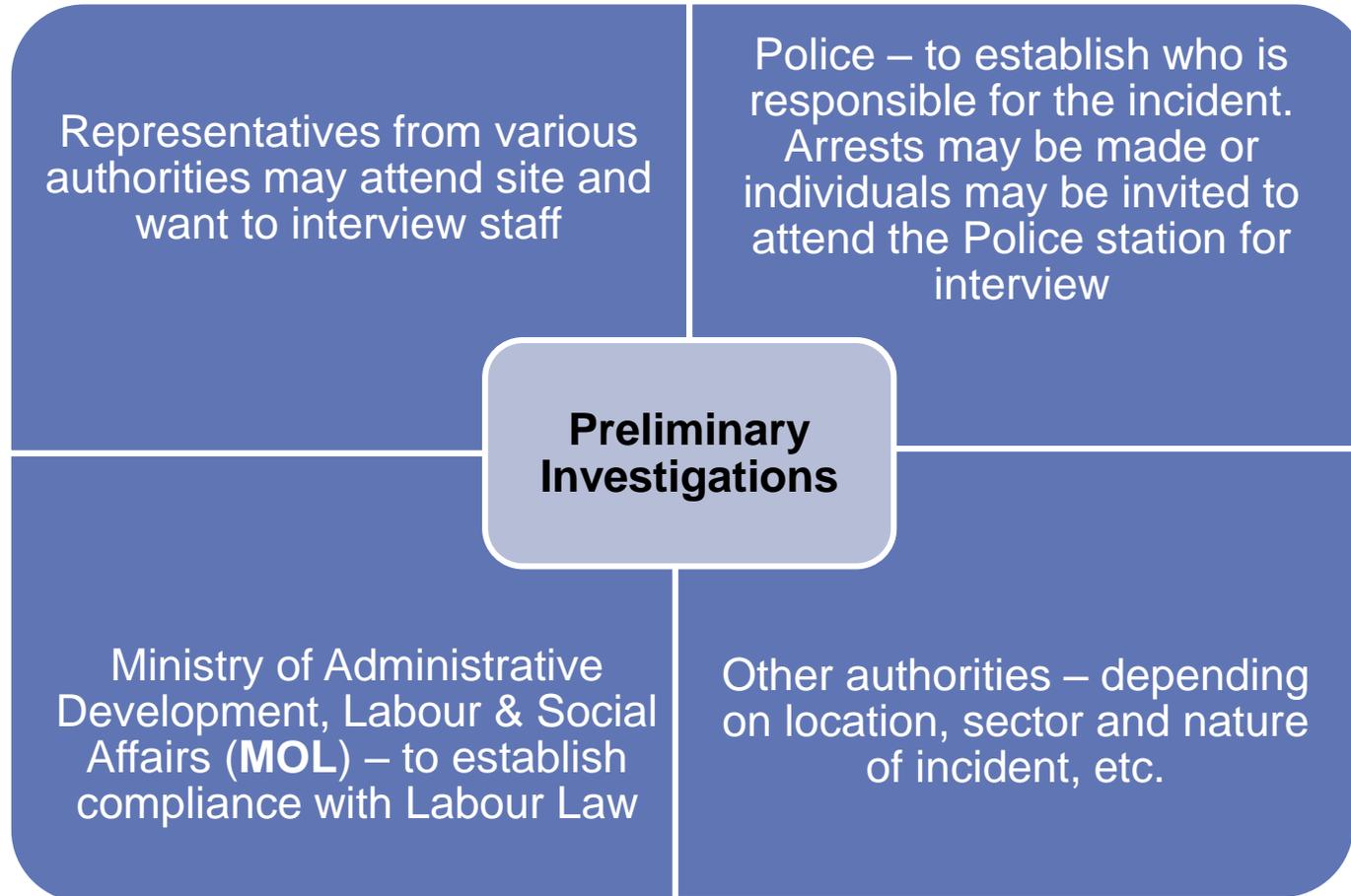
# Potential Liability for workplace injuries / fatalities

Criminal (under the Penal Code) – personal

Civil (under the Civil Code and Labour Law) – personal and company

Administrative sanctions – Labour Law) – company

# Investigation Process



**What are some of the things that the police  
would do at the site?**

# Preliminary Investigation – police



Police will attend the site to carry out their preliminary investigation



Police will want to speak to witnesses and the person(s) in charge



No powers to search and/or confiscate property without written authorisation



Power to arrest and/or confiscate the passports of any persons they deem may be responsible for the incident

**How long will the process take for the public prosecutor to complete the investigation?**

# Secondary Investigation – Public Prosecutor



Assuming Police determine case to answer – will refer to Public Prosecutor

- **May take a few weeks**
- **Imposition of travel bans**



Those identified as responsible by the Police may be imprisoned or have passports detailed



Public Prosecutor has wide discretion – may interview individuals not deemed responsible by Police and determine whether there is enough evidence to charge



Interviews conducted in Arabic



May request documentation, further investigations and interviews



**Trials in Qatar usually consist of a number of short hearings during which time written pleadings are handed in, with limited opportunity to give oral evidence**

**No system of binding precedent**



**Sometimes witnesses may be called – not always**

**Conducted in Arabic – all documents to be translated**

**Sometimes expert appointed – may be called to expert meeting**

**No obligation of full disclosure – consider which documents to submit**

**Remember the earlier slide we saw?  
Potential Liability for Workplace Injuries/  
Fatalities**

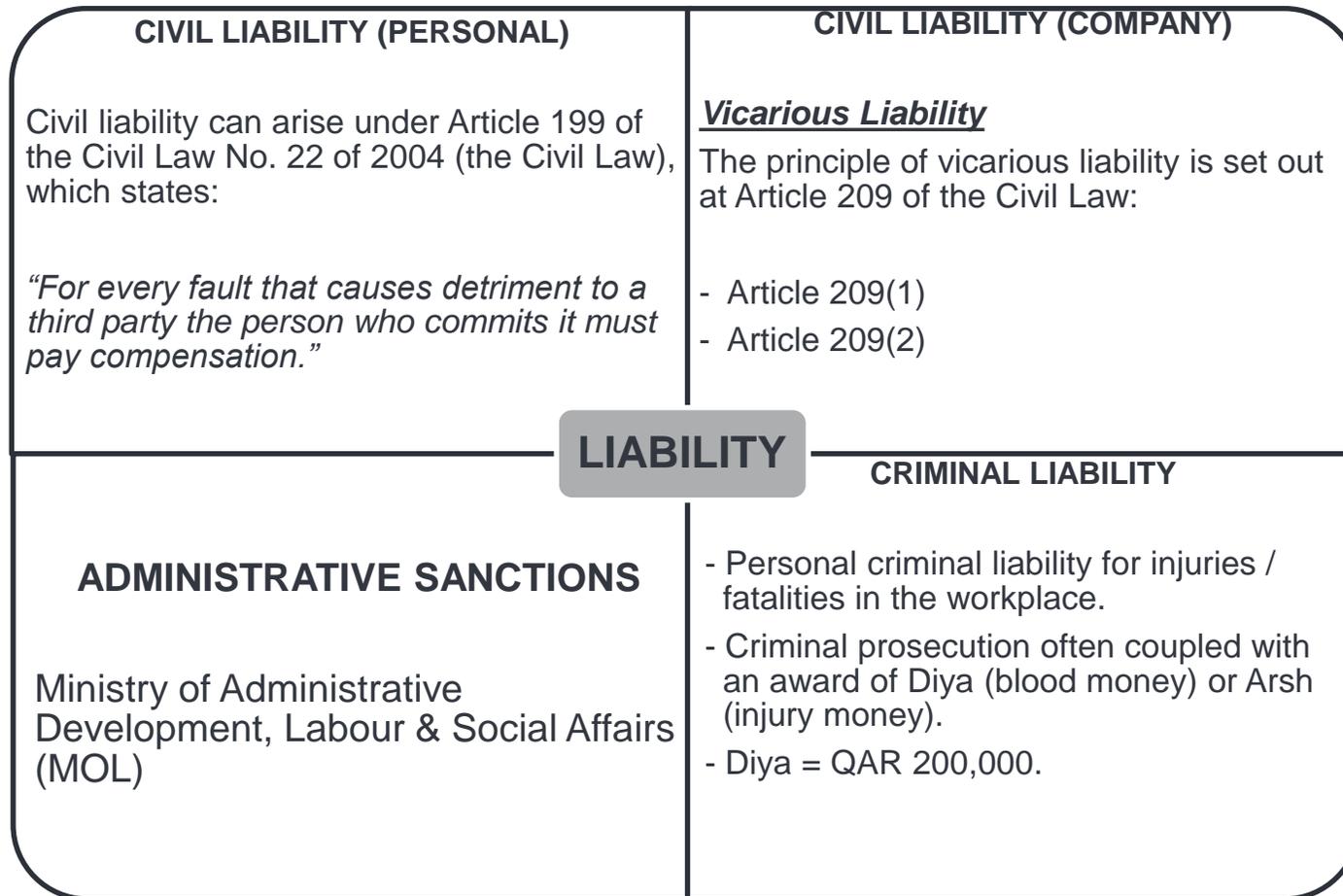
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# Liability



# Liability – AC, Mustafa, John



# Liability – AC, Mustafa, John



- Often arise fairly immediately (payment of treatment, maintenance of pay whilst unable to work, etc.)
- Administrative sanctions
- Generally imposed relatively promptly (may trigger criminal investigation)



## Mustafa

**Criminal liability** - May take many years to conclude

**Civil liability** - Civil complaint will often follow a finding of criminal liability



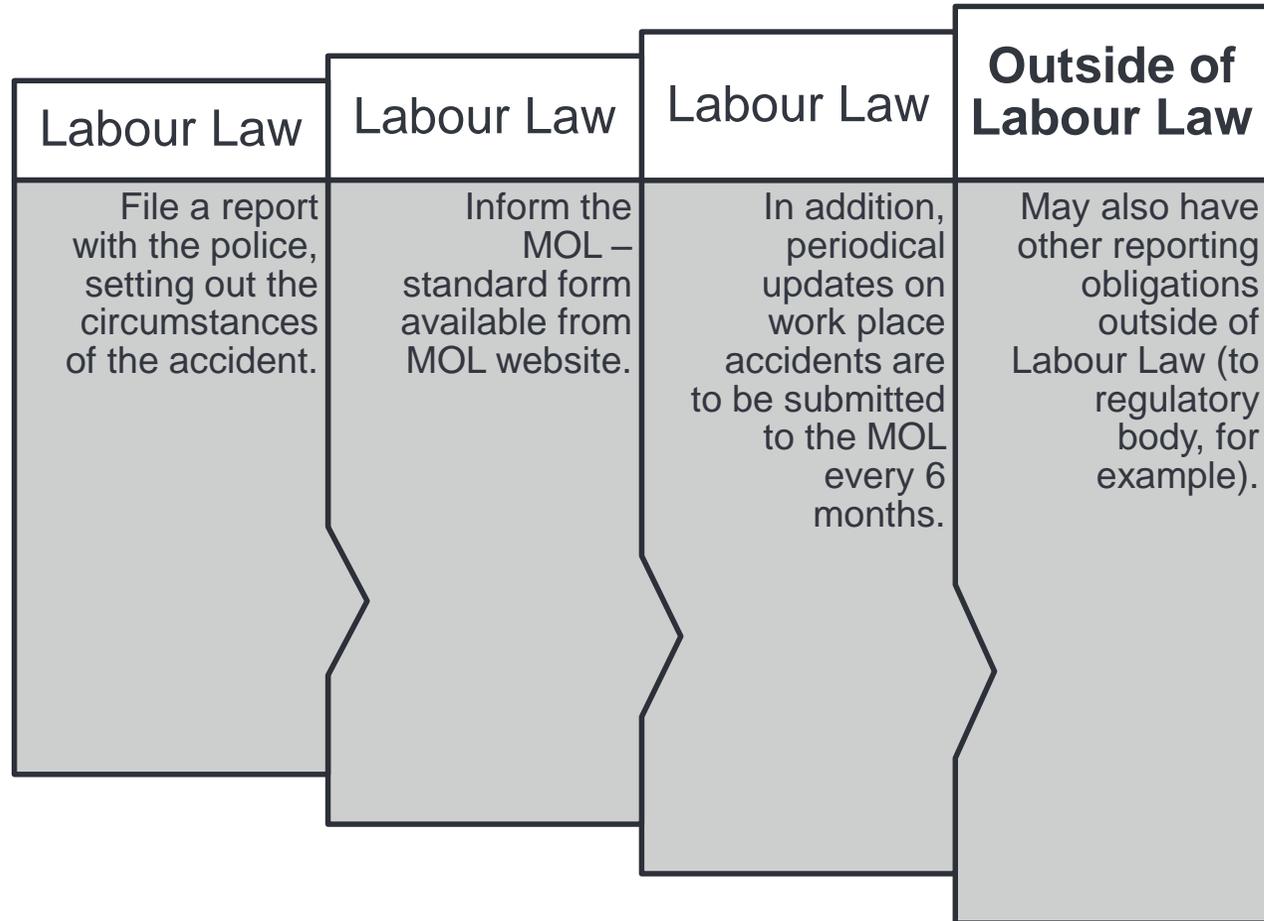
## John – Criminal liability

# **When does a workplace injury need to be reported?**

# Reporting Obligations

**SAFETY FIRST**

**REPORT ALL ACCIDENTS**



# How much does a workplace injury cost?

Where the employee is unable to work

Full pay for six months or the period of treatment, whichever is shorter

Half pay for a further six months, or until the employee recovers, disability is established, or the employee dies, whichever occurs first.

**Pay for Nabin's medical treatment**

Continues until the employee recovers or disability is established.

**Pay Nabin's salary**

**Civil claim from Nabin**

**Civil claim from Nabin's kin**

**Compensation for the death of Nabin's colleagues**

Death or permanent disability = QAR 200,000.

Partial disability = percentage of total depending on nature of disability.

# Exemptions

Financial obligations do not arise where the competent authorities conclude that the employee:

- intended** to injure himself
- was under the influence of **illicit drugs or alcohol**
- intentionally **ignored the safety instructions** posted in prominent locations in the workplace
- committed **gross or deliberate misconduct** which resulted in his injury
- without justifiable cause, **refused to adopt the treatment** prescribed to him by a physician

# Q&A

# Emma Higham

## Partner – Employment

Emma is an employment lawyer with over 16 years' experience. Having been based in Qatar for more than 14 years, Emma incorporates her extensive knowledge of the local law when advising both local and international clients. Emma advises on a wide range of employment and immigration matters both in and outside the Qatar Financial Centre.



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**2200**

Legal  
professionals

**3800**

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Offices\* worldwide

**\* Includes associated offices**

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