

Socso – know your rights

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Churchill Edward (Borneo Post)

Workers have everything to benefit from the Social Security Organisation, including Employment Injury Insurance Scheme, provided they are contributors.

SARAWAKIAN timber grader John (not his real name) suffered a broken leg and rib and severe back burns in a road accident in Sabah in May 2008.

The vehicle he was driving belonged to his employer. And travelling along that particular stretch of road was part of his duty on the day of the accident – a collision with a lorry.

The injuries paralysed John from the waist down.

His company, which contributes to Social Security Organisation (Socso or Perkeso), set up in 1971, applied for compensation on John's behalf under the Socso Employment Injury Insurance Scheme.

Socso Kuching received the Form 21 from John's company in July 2008. The case was later referred to Socso Miri because John was born there.

Since Socso has agreed he is 100 per cent disabled, John is now entitled to the organisation's Temporary Disablement Benefit (TDB) of around RM21,000 and a total of 274 days sick leave.

By virtue of his average monthly salary of RM2,950, his first lump sum payment of Permanent Disablement Benefit (PDB) is calculated at RM110,000 while his PDB monthly payout, about RM2,000.

John is also entitled to a Constant Attendance Allowance (CAA) at the daily rate of RM35 as well as special aids like wheelchair and care transfer bench complete with commode.

Although John did not want his identity made public, his is a success story, involving hassle-free application for his entitled benefits under the Socso Employment Injury Insurance Scheme.

This is because his employer was efficient in handling the application for compensation. And John was able to secure the compensation because Socso was satisfied his company had submitted all necessary documents and also duly completed all the forms provided by Socso.

Despite his situation, John is grateful his employer has adhered to the law and contributed to Socso apart from keeping up-to-date records on contributions.

He said in Miri last week he was happy Socso could provide him with adequate benefits.

Socso has classified his case as Claim for PDB but most importantly, his injuries were work-related.

John, 40, is married with two children.

Socso has also compensated workers for non-work-related injuries such as in the case of bus driver Ahmad Paduka Ramli, 39, from Miri.

Ahmad secured a Socso Invalidity Pension Scheme (IPS) when he was suffering from a serious disablement condition.

Socso terms his case as being "in a morbid condition of a permanent nature that is either incurable or not likely to be cured as a result of which an employee is unable to earn at least one-third of what a normal able person could earn."

Ahmad, a bachelor, was paralysed after suffering a stroke. He couldn't gain any form of employment, let alone continuing as a bus driver for his former company.

He was hospitalised in May 2008 following the stroke but his condition got worse and became incurable no matter what medicine or treatment he was given.

His sister, Nona Ramli, a civil servant, applied for the IPS twice in August 2008. Any member of his family could help him

apply.

Socso's most important consideration is that Ahmad has been a contributor by virtue of his staff-share contributions to the Socso fund.

As his average monthly salary was RM1,100, Ahmad's IPS monthly rate was calculated at RM667 while his CAA at a monthly rate of RM267.

On top of these monetary benefits, he also received things like a wheelchair, a ripple mattress and adult diapers free from Socso. The wheelchair and mattress are replaceable on request by Ahmad's caretaker – in his case, his sister, Nona.

John and Ahmad are not only successful applicants but also (or at least those closest to them) aware of Socso mechanisms and benefits.

However, how many people are similarly aware or bother to find out more?

Socso general manager (Corporate Affairs and Planning Department) Mohd Asri Ngosman admitted that most people knew about Socso only briefly.

He said in Miri last week there were some employers who claimed they did not know they had to register with Socso even when they had only one employee.

Conversely, there were also employees unaware of their right to be covered by Socso as a precaution against injury at the workplace or elsewhere (work-related), he noted.

Due to this lack of awareness, Socso launched a campaign called Ops Kesan Perkeso on Aug 1, 2009.

In a nationwide check, it found several businesses not registered with it – with some pleading ignorance of the law (as an excuse).

Besides the month-long operation where Socso officers went door-to-door to business premises, the organisation also held client day sessions on every first Thursday of the month at all branches throughout the country since July.

Asri pointed out that errant employers, especially those who failed to register with Socso and/or contribute towards its fund, risked a maximum fine of RM10,000 or two years' jail or both.

To employers who had registered, he advised them to keep their records up-to-date.

During Ops Kesan Perkeso, Asri said errant employers and offenders would be given a grace period before action was taken against them.

It is compulsory for an employee, under a contract of service or apprenticeship, and earning a monthly income of RM3,000 and below, to register and contribute to Socso regardless of age and employment status – whether permanent, temporary or casual in nature.

Socso only covers Malaysian workers and permanent residents. Foreign workers are protected by provisions in the Workmen's Compensation Act 1952.

However, Socso does not protect civil servants, and domestic servants employed in a private dwelling house such as cooks, gardeners, house servants, watchmen, washer women and drivers because these jobs are deemed personal rather than business in nature.

It also does not cover the self-employed and business owners and spouses of sole-proprietorship or partnership, as well as employees who have attained the age of 55. However, for those claiming benefits under the IPS, the successful applicants can be above 55.

Employees whose salary exceeds RM3,000 per month are still covered under Socso provided they were earning below RM3,000 on registration.

Asri explained Socso subscribed to the principle of 'once in, always in'.

'Once an employee is eligible under the Act, he or she will always be eligible for coverage irrespective of his next monthly wage. If, however, the first monthly salary of your first job is above RM3,000, then you are not eligible for protection under the Act,' he stressed.

All remunerations payable in money to an employee is taken into account as 'wages' for purposes of Socso contributions.

These include basic salary, overtime payment, commission, payment for leave such as annual, sick and maternity leave, rest day, public holiday, allowance such as incentive, good behaviour, cost of living allowance (COLA) and service charge.

Asri said while Socso was determined to help the people, its efforts were often frustrated when the details received were incomplete or suspect.

Application forms with incomplete details, sent back for further verification, constitute the main reason for delays — with just five per cent given immediate approval for insurance, invalidity or pension schemes.

Delays usually stemmed from ignorance on the part of claimants, he added.

Asri recommended that companies hold in-house courses on Socso schemes and procedures for their human resources department handling Socso applications. They may also send their staff to Socso seminars and courses.

He said employees were obliged to ensure that their employers register them and contribute to the Socso fund.

Last week, Asri was a speaker at a three-day Socso workshop in Miri, aimed at improving the media's understanding of its concept, procedures and nature of benefits apart from fostering closer ties between the mainstream media and the organisation.

The other speaker was Zainal Ismail, a manager from Socso Planning and Corporate Affairs Division.

The participants were from Sabah and Sarawak.

Zainal said some of the public were not aware that Socso also provided funeral benefits.

According to him, a sum of RM1,500 will be paid should a recipient of Invalidity Pension die (of any reason) and payment will be made to the eligible next of kin.

If there is no next of kin, the benefit will be paid to the person incurring the funeral expenses.

'The amount paid will be the actual amount incurred or RM1,500, whichever is lower,' Zainal said.

He added that on the death of an Invalidity Pension recipient, the pension would be converted to Survivor Pension of the eligible next of kin.

The dependant children of an Invalidity Pension or Survivor Pension recipient may also apply for education benefits.

Facilities for vocational and physical rehabilitation are provided free to an employee suffering from invalidity.

Physical rehabilitation includes :

- Physiotherapy, occupational therapy, reconstructive surgery, supply of artificial limbs such as artificial leg and hand, eye and dentures;
- Supply of orthotic equipment such as wheelchairs, crutches, hearing aids, spectacles, calipers and orthopedic shoes;
- 'Return To Work' programme and dialysis treatment for an employee receiving Invalidity Pension and suffering from a chronic kidney ailment.

Vocational rehabilitation includes vocational training in courses such as electrical wiring, tailoring, radio-TV repair, metal trade, refrigerator and air-conditioner repair, plumbing, typing and secretarial work.

All expenses are borne by Socso based on rates and conditions determined by it.

However, Zainal warned that an insured person or his next of kin would be subjected to a fine of not more than RM10,000 or two years' jail or both if found guilty of providing, creating or submitting false documents or information.

He said forms and further information could be obtained by contacting a nearby Socso office or logging on to www.perkeso.gov.my.

Socso hotline is 03-42575755.

Its Sarawak office phone number in Kuching is 082-251721/712 (fax 082-421940) while its address is Wisma Perkeso, Lot 436, Section 54, No. 52, Travilion Commercial Centre, Jalan Padungan, 93100 Kuching.

The Socso Bintulu office phone number is 086-334617, Sibul (084-213066/67), Kapit (084-797287), Sarikei (084-654611), Miri (085-419800) and Sri Aman (083-322660).