

**TITLE 16 - LABOR AND INDUSTRIAL RELATIONS  
CHAPTER 7 - WORKERS' COMPENSATION ACT, 2016**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**WORKERS' COMPENSATION ACT, 2016**

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**AN ACT** to provide for compensation and rehabilitation of workers in respect to work related injuries or fatalities.

*Commencement:*

*September 30, 2019*

*Source:*

*P.L. 2019-107*

**§701. Short title.**

This Act may be cited as the Workers' Compensation Act, 2016.

**§702. Purpose**

The purpose of this Act is to provide for the compensation and rehabilitation of workers in respect of work related injuries or fatalities.

**§703. Interpretation.**

In this Chapter, unless the context requires:

“**Administrator**” means the Administrator of the Marshall Islands Social Security Authority or a designee;

“**Adoption**” or “**adopted**” refers to a legal and customarily adoption prior to the time of the injury;

“**Carrier**” includes stock corporations or mutual associations from which any employer has obtained workers’ compensation insurance or guaranty insurance in accordance with the provisions of this Chapter;

“**Child**”, has the same meaning under section 103(h) of the MISSA Act;

- “Board”** means the Board of Directors established under section 107 of the MISSA Act;
- “Republic”** means the Republic of the Marshall Islands;
- “Compensation”** means the payment for medical services and supplies, the disability benefits payable to an employee or to his or her dependents, and such other payments arising from the injury of an employee as provided for in this Chapter;
- “Date of Disability”** means the date after which an employee can no longer earn the wages he or she was earning at the time of the injury resulting in the disability. The date of disability is not necessary the date of injury;
- “Death”** when used as a basis for a right to compensation under this Chapter, mean only death resulting from an injury;
- “Disability”** has the same meaning under section 103(p) of the MISSA Act;
- “Disability benefits”** means the money allowance payable periodically to an employee or to his or her survivors as provided for under Section 137 of the Marshall Islands Social Security Act;
- “Employee”** has the same meaning under section 103(s) of the MISSA Act;
- “Employer”** has the same meaning under section 103(t) of the MISSA Act;
- “Independent”** means any person who renders service for a specified recompense for a specified result, under the control of his principal as to the result of his work only and not as to the means by which such result is accomplished;
- “Injury”** means accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accident or injury. The term includes an injury caused by the wilful act of a third person inflicted upon any employee in the course of his or her employment.
- “Parent”** has the same meaning under section 103(ff) of the MISSA Act;
- “Person”** means an individual, partnership, corporation, association, governmental entity or agency including local government, or any other entity.
- “Spouse”** has the same meaning under section 103(nn) of the MISSA Act;
- “Wages”** means the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the

injury; including the reasonable value of board, rent, housing, lodging, or other similar advantages received from the employer, and gratuities received in the course of employment from other than the employer.

**§704. Coverage.**

- (1) Compensation shall be payable under this Chapter in case of disability or death of an employee, but only if the disability or death results from an injury sustained while engaged in employment.
- (2) If a worker who has been hired in the Republic receives personal injury by accident arising out of and in the course of his employment, he or she shall be entitled to compensation according to the law of the Republic even though such injury was received outside the Republic.
- (3) Any person who may be injured in performing service for the Government in any voluntary or unpaid capacity under the authorized direction of a public officer or employee, and who shall not have secured payment of his hospital and medical expenses from Government or under any other provision of law and shall both have secured payment thereof from any third person, shall be paid his reasonable hospital and medical expenses by the Government.
- (4) No compensation shall be payable under this Chapter to the employee if the injury was proximately caused by the intoxication of the employee or by the wilful intention of the employee to injure or kill himself, herself or others.

**§705. Liability for Compensation.**

- (1) Every employer shall be liable for and shall secure payment of such compensation as may be required under Sections 8, 9, and 10.
- (2) Compensation shall be payable irrespective of fault as to the injury.
- (3) In the case of an employer who is a subcontractor or jobber in the construction or garment manufacturing industries the contractor or fisheries industry shall be liable for and shall secure payment of such compensation to employees of the subcontractor unless the subcontractor has secured such payments.