



Human Resources and
Social Development

Rules for Proving Physical Disability for Work

1437H

In the name of Allah, the most Gracious, the most Merciful

Kingdom of Saudi Arabia

Ministry of Civil Service

Rules for proving physical disability for work, rules and procedures to be followed to prove that the accident occurred as a result of work if there is an accident that occurred as a result of work and during it.

Article (30/11) of the implementing regulations of the civil service law issued by virtue of Civil Service Council decision No. (1) dated 27/07/1397 AH provides the following:

(The service of the employee shall be terminated if his medical incapacity for work is proven, and the General Bureau of Civil Service determines the methods of proving this incapacity).

A regulation for termination of service was subsequently issued under Civil Service Council decision No. 1/813 dated 20/08/1423 AH. Article (9) thereof, which replaced the above-mentioned article, provides the following:

An employee's service shall end if established that such employee is physically disabled, based on a decision issued from the medical authority. This shall take effect as of the date on which the employee's workplace is notified of the medical authority's decision. The employee shall be terminated within thirty days as of the date of issuing the medical authority's decision. In addition, the Ministry of Civil Service shall specify the procedures to be followed in that regard. An employee, whose service ended for health conditions, may be reinstated without a competition, to the previous position if vacant, or to another position with the same requirements fulfilled by such employee in the same authority where the employee used to work, or any other authority under the following conditions:

1. Such employee shall be examined by the public medical authority to prove if physically fit for the job.
2. The absence period shall not exceed two years.
3. The grade to which the employee is intended to be reinstated shall not be above the grade of the previous job before the end of service. Besides, an employee shall be reinstated to the authority where such employee used to work for if there is a suitable job. Otherwise, another suitable job shall be found by the Ministry of Civil Service in the other government authorities.

The circular of General Bureau of Civil Service formerly (Ministry of Civil Service currently) has been issued earlier No. 4/N/56 dated 9/10/1398 AH still in force since it is not cancelled nor amended. It provides the following:-

(First- Proof of disability):
(Circular)

His.....respected

Greetings:

I refer to article (30/11) of implementing regulation of Civil Service Law which provides that (The service of the employee shall be terminated if his medical incapacity for work is proven, and the General Bureau of Civil Service -i.e. currently, Ministry of Civil service- determines the methods of proving this incapacity). In order to enforce this article, and

to ensure that the employee is physically unable to carry out his job duties as required by law before terminating his employment we consider the following:

First- Such employee shall be examined by the public medical authority in the following cases: Whether he has the ability to exert a specific effort, specifying the type of this effort or his disability to do so:

1. An employee who is being treated for physical diseases and who has used up his sick leaves due while continuing his treatment.
2. An employee who is injured or caught disease because of work through no fault of his own and has used up his sick leaves provided in article (28/11) of implementing regulation of civil service law as well as additional term under paragraph (B) of article (28/13) of the regulation.
3. Employees with psycho neurological illnesses who have used up their due sick and exceptional leaves. They no longer had leave balance from their regular vacations, and they did not carry out their job duties due to the continuation of their treatment.

Second- The Department of Personnel Affairs in the entities in which the sick employee works shall notify the General Medical Authority as soon as the terms referred to in the three preceding paragraphs expire to determine their health conditions, and the (Bureau) i.e. the Ministry of Civil Service (currently) shall be informed with a copy of this notice.

Third- The (Bureau) i.e. the Ministry of Civil Service shall be notified with a copy of the medical report to set the necessary procedures for the sick employee by granting him ordinary or exceptional leaves due, or extend the additional terms if there is hope in his recovery or terminate his service if that is not possible.

Please inform your departments to act accordingly.

Regards

Chairman of the General Bureau of Civil Service

Turki bin Khalid Al-Sudairi

(Second)

(Injury because of work and compensation therefor)

- Article 27/1 of the implementing regulations of the civil service law provides that (if the employee died, was incapacitated that definitively prevents him from performing the work if the death or the incapacity was due to work, he would receive a compensation of sixty thousand (60,000 riyals).
- Article 28/13 provides the following:
 - A. An employee who suffers from an illness or disease that prevents him from performing his work temporarily, and such injury or illness occurs due to the performance of the work and without the employee is fault, is entitled to a sick leave, instead of the leave stipulated in Article 28/11 of these regulations, which is one and a half years with a full salary.

If the employee does resume his work after the end of this period, he shall be examined by the medical committee to decide whether to refer him to retirement or extend his leave while specifying the additional period. In such case he shall be paid half of the salary.

C- If the medical committee decides the need to treat the injured employee outside the Kingdom, he shall receive the expenses of his travel and treatment, regardless of the period.

D- The General Bureau of Civil Service formerly (Ministry of Civil Service currently) shall determine by its decision the measures to be followed to prove that the accident occurred due to the performance of the work. 1

- in testimony thereof, the circular of The General Bureau of Civil Service No. (4/N/43) dated 3/8/1398 AH has been issued. It stipulates the following:

(Circular)

His.....respected

Greetings:

I refer to article (27/1) of implementing regulation of Civil Service Law which provides the basis for compensation in case of death, disability, or permanent impairment that definitively prevents him from performing the work if the death or the incapacity was due to work. As well as article (28/13) which stipulates in paragraph (D)- The General Bureau of Civil Service formerly (Ministry of Civil Service currently) shall determine by its decision the measures to be followed to prove that the accident occurred due to the performance of the work.

In order to enforce the aforementioned paragraph regarding the entitlement of compensation, its amounts, and the sick leave resulting from work-related injuries, we consider the following

First: If the accident occurred during work:

I-The direct supervisor of the injured employee at the administrative entity where the accident occurred writes an investigation report proving what happened, provided that it states:

A-The name of the employee or user, his grade and job duties.

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¹ Important Note: leaves regulation shall be referred to after its issuance and shall be applied as of 15/5/1426 AH regarding specifying periods of sick leaves in article II thereof.

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B-The causes of the accident and the time of its occurrence.

C-The names of witnesses of the accident and their statements.

2- The investigation must prove that the accident did not arise intentionally from those who benefit therefrom, and that it did not occur as a result of a criminal act that he committed.

3-The report shall be drawn up in four copies. A copy shall be submitted to the head of the administrative entity to which the injured employee belongs. A copy shall be sent to the competent police if there is a requirement for that, and a copy (to the General Bureau of Civil Service) the Ministry of Civil Service currently, provided that the fourth copy shall be filed in the file of the injured employee.

Second- if the accident occurred while going to or returning from work:

1- Proof of the accident in this case shall be by submitting a copy of the minutes of the investigation conducted by the police, and it shall be accompanied by a report from the hospital or the entity to which the injured was transferred immediately after the occurrence of the accident.

2- the investigation must include a proof that the accident occurred while the employee going to or returning from work, provided that the he did not change direction of road he drove through, , or he did not stop while he was passing through it for his own personal interest or for an interest that does not relate to work. It shall be proven as for the injury that happens while the movements of the injured employee as per instruction from his supervisor or while being assigned with travelling in official mission.

Third- the injured employee shall be referred to the competent medical authority in all cases to prove his disability and its percentage.

Fourth- the compensation received by the injured employee shall be as per article 27/1 of the implementing regulation. Regarding sick leave it shall be as per article 38/13 of the same regulation.

Fifth- the entity to which the injured employee belongs shall pay the compensations resulted from the accident as per the financial instruction.

Regards.

Chairman of the General Bureau of Civil Service

Turki bin Khalid Al-Sudairi



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