

**MATHEMATICAL EQUATIONS FOR CALCULATING A WORKER'S BENEFITS UNDER WORK INJURIES INSURANCE COMPENSATION AND PENSIONS ACCORDING TO THE JORDANIAN SOCIAL SECURITY LAW**

**Dr. Hassan Sami Alabady<sup>1</sup> and Dr. Shereen N. Abu Ghazaleh<sup>2</sup>**

<sup>1</sup>Amman Arab University, Jordan. Assistant Professor in Faculty of Law- Amman Arab University.

<sup>2</sup>Aberdeen University, UK. Assistant Professor in Faculty of Law- Amman Arab University.

---

**ABSTRACT:** *This research deals with the worker's rights in insurance pensions and compensation for work injuries according to the Jordanian Social Security Law. In this research, we discuss the benefits of the heirs in the event of a worker's death resulting from a work injury as well as the rights of the worker when he is exposed to total permanent disability resulting from a work injury, and his rights or benefits entitled due to his permanent partial disability arising from the injury of his work. Also, we show the rules governing the payment of frequent injury disability compensation and pensions. All of the above benefits have been calculated through mathematical equations based on the Jordanian Social Security Law No. 1 of 2014 and the insurance regulations issued thereunder.*

**KEYWORDS:** Mathematical Equations, Worker's Benefits, Work Injuries, Insurance Compensation, Pensions According, Jordanian Social Security Law

---

## INTRODUCTION

During the 20th century, the social security system developed from providing protection to the low-wage earners to providing moderate protection for beneficiary workers and finally to providing social welfare for all citizens and foreigners. Social security has become a constitutional human right. However, the quantum leap witnessed in social security was the adoption of a ternary formula by participants of the government, employers and workers.<sup>1</sup>

Social insurance is an essential mean to ensure the continuation of an appropriate life in the event of livelihood loss, such as in work injury, disability, and so forth. Social insurance shall not necessarily be related to the magnitude of any insured risk, in its value and potential, but rather it is related to the capacity to contribute to the burden of social insurance as a whole.<sup>2</sup>

Jordanian Insurance Law No. (1) of 2014 deals with the work injuries insurance in Articles (24 - 41). This law specifies that an injured worker is the insured worker who suffers an occupational injury or illness or any accident that occurs during the performance of his work or because of it.

---

<sup>1</sup> Dr. Mohammed Khaled Al-Zoubi, Social Security, Protection of the Elderly between the Market Economy and Social Justice, Dar Wael for Publishing and Distribution, Amman, 2013, p 59.

<sup>2</sup> Master Thesis, Muhammad Abdul Hafeez Al Manaseer, Old Age Insurance in the Light of the Provisions of the Social Security Law, Amman Arab University, 2009, p 17.

The insurance coverage includes all the accidents that the worker has been exposed to during his or her departure or return from work, provided that he follows the usual or acceptable route.<sup>1</sup>

Among the conditions for entitlement to compensation for work injuries is that the disability is caused by an emergency work or occupational illness, that the disability case is verified by approved medical committees, that the disability results in the suspension of the worker's wage, and that the insured injured was registered in the Social Security System prior to the occurrence of the emergency injury.

Article 25 of the same law states that the coverage of the social insurance shall include medical care and the disbursement of daily allowances under certain legal conditions until the injured worker is healed. This article states that if the condition of the injured worker worsens and it results in the death or total or partial disability, the law must provide monthly pensions and a lump sum compensation to the surviving worker or if the worker dies, then it must cover the funeral expenses. The concentration of this research is on the mathematical equations based on the Jordanian Social Security Law needed to calculate such entitled pensions or compensation.

### **Death Due to Work Injury**

Article 30 (A) of the Jordanian Social Security Law states that if the work injury resulted in the death of the insured, his/her (eligible) heirs will be entitled to a pension of 75% of the wage, subject to the Social Security contributions on the date of injury. This article states that the pension shall be paid from the beginning of the month following the death and shall be distributed according to the legitimate shares of the beneficiaries, starting from the first of the month in which the death of the insured occurred or from the first of the month following the month of the death of the pensioner or disability payee, as appropriate.

Those eligible beneficiaries in accordance with the Jordanian Social Security Law are defined in article 79, namely widows / widowers, sons, daughters, parents and dependents such as brothers and sisters as well as the newborn that was born when he was alive.

Article 80 of the same law states that the payment to the beneficiaries shall be determined according to their contribution of the pension according to Table 4 attached to this law. This table shows 13 different cases of entitled pensions or compensation. For example, case no. (1) under the title (widow, widower or widows with more than one son), shows that widows shall be entitled to half of the allowance or pension while sons and daughters shall be paid the other half. However, Articles (81-85) show the conditions of the payment shares from the entitled pension to the beneficiaries. These articles, also show the conditions of suspension of the entitled payment for the beneficiaries as well as the rules or the combination of pensions, wages and shares by the beneficiaries or the heirs of the Insured.

Jordanian legislation distinguishes between the pension of death caused by work injury and natural death or old age. Thus, the law provides specific rules for old age, disability and non-work injury in articles (59-70) of the Jordanian Social Security Law and provides special provisions that differ from the death provisions resulting from work injury of 75% of the total salary as of the date of injury.

---

<sup>1</sup> Judge Hussein Abdullatif Hamdan, Social Security and its Applications, Al-Halabi Publications, Lebanon, Beirut, 2009, p. 596.

In other words, Jordanian legislation distinguishes between two different standards. The first is related to the effects of the work injury, whether the worker died or became disabled, and it gives him certain benefits as will be discussed in this research. However, there are other benefits for death and disability cases that did not result from work injury, which have been given different benefits that will be discussed in the next research.

Meanwhile, Jordanian legislation did not take into account the increase of the pension paid to the beneficiaries in the event of the death of the injured under the age of 60. Contrarily, we recommend adoption of this principle. For example, the following text may be proposed: "If the work injury led to the death of the insured before the age of (60), the pension shall be calculated at a rate of 5% every four years from the date of death until he reached the age of 60, assuming that he were still alive." This case is viewed from a humanitarian perspective for those entitled beneficiaries, as the death of the injured worker occurred while the deceased died at a productive age and the burdens of life will assumed to increase on the deceased's heirs. Therefore, this increase in the pension's rate, whatever it is, will help to bear future burdens. Also, the rate increase can be linked to a number of years.

### **Total Permanent Injury Disability Resulting from Work Injury**

Paragraph (a) of Article 2 of the Social Security Law provides that the Total Permanent Injury Disability is: "Any disability arising from work injury and due to which the insured loses permanently his physical capacity to work at a rate of 75% at least."

On the above definition, it is clear that the legislation provided in this article for the intended disability is the disability resulting from the work injury that shall be treated differently as compared to natural disability, in terms of the insurance for old age, disability and death. At the same time, Jordanian legislation identifies, in Article 2, the natural total permanent disability as follows: "Non-work disability which cannot be cured and shall permanently prevent the practicing of the insured for any profession or work"

In the event of total disability, it is impossible for a disabled person to perform a work or occupation from which he earns his income, and the person with total disability cannot perform any work, thus he will not be able to perform his original profession. Moreover, he cannot perform any other work. The occurrence of disability should be caused by injury not due to aging.<sup>1</sup>

According to the Jordanian Social Security Law there are two types of total disability. The first results from work injury or occupational disease, which is the subject of this research while the second is a total natural disability, and this type is outside the scope of our research. Each type of the above mentioned disabilities has its own legal rules for calculating their pensions.

Paragraph (b) of Article 30 determines the conditions of Total Permanent Injury Disability (TPID), which provides that: "If the work injury results in a total permanent disability, the injured shall be entitled to a monthly disability pension equal to (75%) of his social security contribution, subject to wage as of the date of injury. Such pension shall be entitled from the date of the disability of the case of the injured person approved by a decision of the medical authority. Such pension shall be increased by (25%), if the injured person needs a person to

---

<sup>1</sup> Master Thesis, Hiyam Mahmoud Harb Al-Shawabaka, Insurance of Aging, Disability and Death in the Jordanian Social Security Law, University of Jordan, 1997, pp. 84-85.

assist him in carrying out his daily life, provided that such increase shall not exceed the minimum wage approved in accordance with the provisions of the Labor Law in force."

### **Permanent Partial Injury Disability Resulting from Work Injury**

Article 2 (a) defines the permanent partial disability as "any disability arising from work injury and the insured loses because of it permanently his physical capacity to work by at least 75%."

Paragraph (c) of Article 30 of the Jordanian Insurance Law determines the method of calculating the permanent partial disability pension, with a ratio (between 30% to less than 75%), as if the disability ratio reaches 75% or more, then it shall be considered a total permanent disability and the pension shall be calculated in another way.

On the other hand, Article 30, paragraph (d) of the Jordanian Social Security Law states that the method of calculating the permanent partial disability pension, which is less than 30% is as follows: "The injured person shall be entitled to a lump sum compensation."

In the following, we present the details of each type of disability:

#### **Partial Permanent Disability with a Ratio from 30% to less than 75%**

Article 30, paragraph (c), provides that "if a work injury results in a permanent partial disability of not less than 30%, the injured person shall be entitled to a monthly disability pension calculated on the basis of the proportion of the disability pension of the total permanent disability referred to in paragraph (b) of this Article. Such pension shall be allocated from the date of stabilization of the case of the injured person, which is determined by the decision of the medical committee." It is clear from this concept that the disability ranges from 30% to less than 75%. As we have previously shown, the Total Disability shall be 75% or more, and the total disability pension shall be 75% of the injured worker's salary. Whereas the Partial Disability Pension shall be calculated by multiplying the disability ratio by the Total Disability Pension.

#### **Partial Permanent Disability Less Than 30%**

Article 30, paragraph (c) of the Social Security Law provides that: "if a work injury results in a permanent partial disability of less than 30%, the injured person shall be entitled to lump sums equal to the proportion of such disability from the Total Permanent Injury Disability (TPID) stipulated in paragraph (B) of this Article multiplied by 36 months."

From the above, we note from this Article that legislation provides a lump sum compensation that shall be calculated as shown above.

### **Mathematical Equations in Calculating Death and Partial Permanent Injury Disability Pension Resulting from Work Injury**

#### **Mathematical Equations in Calculating Injury-resulted Death Pension**

##### **Equation No. 1:**

$$\text{Injury-resulted Death Pension} = (75\% * MW) + 40 \text{ JD}$$

**Example:**

Imagine there was an employee who died as a result of a work injury and whose last monthly wage subject to Social Security contribution deduction was 500 JDs. What would be the entitled death pension resulting from the work injury that would be due to his heirs?

**Solution:**

Injury-resulted Death Pension =  $(75\% * 500 \text{ JD}) + 40 \text{ JD}$

(Note: 40 JD was added as a salary increase according to the law)

Injury-resulted Death Pension =  $375 + 40 = 415 \text{ JD}$  (The entitled pension paid to the dead worker's heirs)

### **Mathematical Equations in Calculating Total Permanent Injury Disability Pension Resulting from Work Injury**

**Equation No. 2:**

**Total Permanent Injury Disability (TPID) Pension =**

**$75\% * \text{Monthly Wage (MD)} + 40 \text{ JD}$**

**$(\text{TPID}) \text{ Pension} = 75\% * (\text{MD}) + 40 \text{ JD}$**

**Equation No. 3:**

**Pension added value due to patient need (PAVPN ) =  $25\% * \text{Total Permanent Injury Disability (TPID) Pension}$**

**$\text{PAVPN} = 25\% * \text{Total Permanent Injury Disability (TPID) Pension}$**

**$\text{PAVPN} = 25\% * (\text{MD} * 75\%)$**

**Equation No.4:**

**Total Permanent Injury Disability Pension with need (TPIDPN) = Total Permanent Injury Disability (TPID) Pension + Pension added value due to patient need (PAVPN )**

**$(\text{TPIDPN}) = (\text{TPID}) + (\text{PAVPN})$**

Equations 3 and 4 above can be summarized in one equation as in Equation (5) to calculate the Total Permanent Injury Disability Pension (TPIDPN) directly as follows:

**Equation No. 5:**

**Total Permanent Injury Disability Pension (TPIDPN)= Total Permanent Injury Disability (TPID) Pension \* 125%**

$$(TPIDPN) = (TPID) * 125\%$$

$$(TPIDPN) = 75\% * \text{Monthly Wage (MW)} * 125\%$$

$$(TPIDPN) = 75\% * (MW) * 125\%$$

**Example:**

Imagine a worker who earned a monthly salary of 400 JD and then became permanently disabled. After a period of time, it was discovered that he needed someone to help him because of his disability.

**Solution:**

First: we find the Total Permanent Injury Disability Pension without aid as shown according to Equation (2):

$$\text{Total Permanent Injury Disability Pension (TPID)} = 75\% * \text{Monthly Wage (MW)}$$

$$(TPID) = 75\% * (MW)$$

$$(TPID) = 75\% * 400 \text{ JD} = 300 \text{ JD (Disability Pension without Permanent Aid)}$$

Secondly: we find the added value of the patient's needed aid

$$\text{Pension Added Value (PAV)} = 25\% * \text{Total Permanent Injury Disability Pension (TPIDPN)}$$

$$\text{Pension Added Value (PAV)} = 25\% * (TPIDPN)$$

$$25\% * 300 \text{ JD} = 75 \text{ JD}$$

(The added value to the disability pension because of the injured worker's need for permanent aid, provided that it shall not exceed the minimum limit of wage under the Jordanian Labor Law, which amounted to 190 JD).

Given that the above calculated value 75 JD is less than 190 JD, it is acceptable.

Thirdly: we find the Total Permanent Injury Disability Pension with Need (TPIDPN)

Total Permanent Injury Disability Pension with Need (TPIDPN) = Total Permanent Injury Disability Pension (TPID) + Pension Added Value (PAV) due to the injured worker's need

$$(TPIDPN) = (TPID) + \text{Pension Added Value (PAV)}$$

$$(TPIDPN) = 300 \text{ JD} + 75 \text{ JD} = 375 \text{ JD}$$

Published by European Centre for Research Training and Development UK ([www.eajournals.org](http://www.eajournals.org))

Fourthly: we can summarize the calculation of Total Permanent Injury Disability Pension with Need (TPIDPN) as follows:

Total Permanent Injury Disability Pension with Need (TPIDPN) = (TPID) \* 125%

(TPIDPN) = (TPID) \* 125%

(TPIDPN) = 75% \* (MW) \* 125%

(TPIDPN) = 75% \* 400 JD \* 125% = 375 JD

### **Mathematical Equations for Calculating the Permanent Injury Disability Pensions Resulting from Work Injury**

A. Mathematical Equations for Calculating the Permanent Injury Disability Pensions Resulting from Work Injury with a Ratio between 30% to 75%

**Equation No. 6: According to Paragraph (C) of Article (30) of the Jordanian Social Security Law**

**Partial Permanent Injury Disability resulting of work injury with ratio from 30% to less than 75% = Disability Ratio \* Total Permanent Injury Disability Pension**

$$\text{PPID (30-75\%)} = \text{DR} * \text{TPID}$$

#### **Example:**

Imagine a worker who earned a monthly wage of 400 JD and has a partial permanent disability due to a work injury, thus his disability ratio is 50%. What would be the entitled disability pension according to the Jordanian Social Security Law?

#### **Solution:**

First: we find the Total Permanent Injury Disability Pension

Total Permanent Injury Disability Pension (TPID) = 75% \* Monthly Wage (MW)

(TPID) = 75% \* (MW)

(TPID) = 75% \* 400 JD = 300 JD (Total Permanent Injury Disability Pension)

Secondly: we find the Partial Permanent Injury Disability Pension resulting from work injury, with a ratio of 30% up to less than 75% (in this example we assumed the ratio 50%)

Partial Permanent Injury Disability Pension resulting from work injury, with a ratio of 30% up to less than 75% = **Disability Ratio \* Total Permanent Injury Disability Pension**

$$\text{PPID (30-75\%)} = \text{DR} * \text{TPID}$$

**PPID (30-75%) = 50% \* 300 JD = 150 JD** (Partial Permanent Injury Disability Pension resulting from work injury with a ratio of 50%)

Thirdly: we add a sum of 40 JD according to the law

$$150 + 40 \text{ JD} = 190 \text{ JD}$$

B. Mathematical Equations for Calculating the Partial Permanent Injury Disability Pensions Resulting from Work Injury with a Ratio of Less Than 30% (Lump Sum Compensation)

#### Equation No. 7:

**Partial Permanent Injury Disability Pensions resulting from work injury with a ratio of less than 30% (lump sum compensation) =**

**Disability Ratio \* Total Permanent Injury Disability Pension \* 36 Months**

$$\text{PPID (<30\%)} = \text{DR} * \text{TPID} * 36$$

#### Example:

Let us say there was a worker who earned a salary of 500 JD who was exposed to work injury that caused to him a permanent partial disability of 20%. Is the injured worker entitled to a pension?

#### Solution:

Given that the permanent partial disability ratio is less than 30%, he shall not be entitled to a pension. Rather, he will be entitled to a lump sum compensation as follows:

$$\text{PPID (<30\%)} = \text{DR} * \text{TPID} * 36$$

$$\text{PPID (<30\%)} = 20\% * (75\% * \text{MW}) * 36 \text{ Months}$$

$$\text{PPID (<30\%)} = 20\% * 75\% * 500 * 36 = 2700 \text{ JD (lump sum compensation paid to the injured worker)}$$

#### Compensation & Disability Pensions for Frequent Work Injuries

Jordanian legislation regulates the compensation or pensions payment in the event of the worker being exposed to several consecutive work injuries. In other words, if the worker has suffered a previous work injury and after his recovery he suffered another work injury. The legislation calls this situation "frequent occurrence of work injury." Article 35 of the Social Security Law provides for this. However, first the total wage for all injuries should be calculated.



**Equation No. 8: According to Article (35) of the Jordanian Social Security Law**

**Total Disability Ratio for Frequent Injury (TDRFI) = First Injury Disability Ratio + Second Injury Disability Ratio**

$$(TDRFI) = IDR1 + IDR2$$

If the work injury occurred frequently, the following rules shall apply for the compensation of the injured and disabled person:

**Mathematical Equations for Calculating Frequent Injury Disability Compensation if the Total Disability Ratio for All Injuries is Less Than 30%**

Article 35 (A) of the Jordanian Social Security Law states: "If the total disability ratio resulting from the current injury and the previous injury (injuries) is less than (thirty percent), the injured person shall be paid a compensation for the disability ratio resulting from the last injury only. Such compensation shall be calculated based on his wage subject to the Social Security deduction on the date of the last injury in accordance with the provisions of paragraph (d) of Article (30) of this law."

It is clear from this paragraph that Jordanian legislation deals with the fact that the ratio of the total disability resulting from the current injury and the injury (injuries) is less than 30%, and the entitled compensation shall be calculated based on the ratio of disability resulting from the last injury alone.

**Equation No. 9**

**Frequent Injury Compensation with disability less than 30% (FIC (<30%)) = New Injury Disability Ratio (NIDR) \* (75% \* MW)**

$$(FIC (<30\%)) = (NIDR) * (75\% * MW)$$

**Example:**

Let us say there was a worker who was exposed to a work injury on 1/2/2015 that resulted in a permanent partial disability of 12%. The wage is subject to the Social Security Contributions for the year 2015 was 300 JD. After a period of this injury, on 28/3/2016, the worker was exposed to another work injury that resulted in permanent partial disability of 15%, provided that his wage is subject to the Social Security Contributions for 2016 that was 400 JD, so what is the entitled Disability Pension?

**Solution:**

Firstly: we find the total ratio for the first and second injury, where it should not exceed, according to this rule, 30%.

**Total disability ratio for Frequent Injury (TDRFI) = First Injury Disability Ratio + Second Injury Disability Ratio**

$$(TDRFI) = IDR1 + IDR2$$

**12% + 15% = 27% (less than 30%, then it is subject to Article 35(A))**

Secondly: The injured worker shall be entitled for a lump sum compensation only, as his total disability ratio is less than 30%.

**Partial Permanent Injury Disability Pensions resulting from the work injury with a ratio of less than 30% (Lump Sum Compensation) =**

**Disability Ratio \* Total Permanent Injury Disability Pension \* 36 Months**

**PPID (<30%) = DR \* TPID \* 36 (we assumed the last injury disability ratio)**

**Frequent Injury Compensation with disability less than 30% (FIC (<30%)) = New Injury Disability Ratio (NIDR) \* (75% \* MW)**

**FIC (<30%) = NIDR \* 75% \* MW)**

**FIC (<30%) = 15% \* 75% \* 400 JD \* 36 Months = 1620 JD (cash payment for the second injury)**

As we have shown previously, an injured worker with a permanent partial disability with a ratio less than (30%) is entitled to a lump sum compensation. In our example, the injured person shall be paid a cash payment for the old injury as follows:

300 JD \* 12% \* 75% \* 36 months = 972 JD (the amount of lump sum compensation received by the injured worker)

To conclude, the injured person will be entitled to only a second injury compensation according to the law because he had been actually paid earlier for the first injury.

**Mathematical Equations for Calculating Frequent Injury Disability Compensation if the Total Disability Ratio for All Injuries Equals 30% or Greater**

Article 35, paragraph (b) of the Jordanian Social Security Law states that if the ratio of the Total Disability resulting from the current injury and the previous injury (injuries) amounted to (Thirty percent) or more, the worker shall be entitled to a disability pension that shall be calculated as follows:

**6.2.1 If the Injured Person has already received a Lump Sum Compensation for Any Injury or Previous Injuries**

The disability pension shall be calculated on the basis of the ratio of the disability resulting from all of the injuries, based on the wage subject for Social Security Contributions on the date of the last injury.

**Equation No. 10:**

**Frequent Work Injury Pension with Disability Ratio  $\geq 30\%$  =  $(75\% * MD) * \text{Total Injury Disability Ratio}$**

**$FWIPR(\geq 30\%) = (75\% * MD) * TIDR$**

**Note: in this case, the injured worker did not receive any disability for previous injury**

**Example:**

The insured was exposed to a previous work injury on 1/3/2015 that resulted in a disability of 20% and his wage subject to Social Security Contributions for the year 2015 was 200 JD. Then he suffered another work injury on 17/12/2017 that caused him a disability of 40% while his wage subject to Social Security Contributions was 300 JD for the year 2017. What is his entitled disability pension?

**Solution:**

In our example, the injured worker should have previously received a lump sum compensation for a disability of 20%, which is calculated as follows:

$200 \text{ JD} * 75\% * 20\% * 36 = 1080 \text{ JD}$  as one lump sum.

However, if we calculate the Total Disability Ratio for both injuries, it will exceed 30%.

$20\% + 40\% = 60\%$ , which is greater than 30%, so the injured shall be entitled to Disability Pension, and it shall be calculated based on the last wage paid and subject to Social Security Contributions, as in our example where the assumed wage was 300 JD.

Frequent Work Injury Pension with Disability Ratio  $\geq 30\%$  =  $(75\% * MD) *$

Percentage of 30% or more =  $(75\% * \text{cash}) * \text{Total Injury Disability Ratio}$

30% or more =  $75\% * 300 \text{ JD} * 60\% = 135 \text{ JD}$  the Disability Pension that he deserves

$FWIPR (\geq 30\%) = (75\% * MD) * TIDR$

$FWIPR (\geq 30\%) = (75\% * 300 \text{ JD}) * 60\% = 135 \text{ JD}$  (The Entitled Injury Disability Pension)

**If the Injured Worker Has Been Paid a Lump Sum Compensation for Any Injury or Injuries**

Article 35 of the Jordanian Social Security Law states that "if the injured person receives a pension for injury/ injuries, the new disability pension shall be calculated on the basis of the ratio of the disability arising from all his injuries according to the wage that was originally approved for payment from his Social Security Contributions on the date of the last injury. However, the new disability pension shall not be less than what he received before the last injury."

According to this Article, the injured worker shall receive a salary for the previous injury/ injuries. The new disability pension shall be calculated on the basis of the total ratio of the disability resulting from all of his injuries according to his original wage approved for

payment based on his Social Security Contributions at the date of the last injury, provided that the new disability pension shall not be less than what he received before the last injury.

### Equation No. 11

**Frequent Work Injury Pension with Total Disability Ratio  $\geq 30\%$  = (75% \* MD) \* Total Injury Disability Ratio**

$$\text{FWIPR}(\geq 30\%) = (75\% * \text{MD}) * \text{TIDR}$$

**Note:**

**1-the injured worker shall be entitled to Disability Pension for previous injury.**

**2-the new disability pension shall not be less than the disability pension the injured worker received before the last injury.**

### Example:

If a person suffered a work injury resulting in a disability of 35%, and his average salary in that year was 300 JD, and then he suffered a second work injury resulting in a disability of 20% and his wage in the year of the second injury was 400 JD, then what would be the compensation the injured worker would be entitled to for his disability pension?

### Solution:

First: we derive the old disability pension, which resulted in a disability ratio of 35%

Since the first injury resulted in a disability ratio of 35% then according to the law, he shall be entitled to a pension of  $300 \text{ JD} * 35\% * 75\% = 78.75 \text{ JD}$  (disability pension for the old injury).

Second: calculation of the total disability for all injuries

Because of the second injury, the disability pension should be adjusted according to the new ratio as follows:

$$35\% + 20\% = 55\% \text{ (Total Disability Ratio for both old and new injuries)}$$

Third: we calculate the new disability pension

Frequent Work Injury Pension with Total Disability Ratio  $\geq 30\%$  = (75% \* MW) \* Total Disability Ratio for all injuries

$$\text{FWIPR}(\geq 30\%) = (75\% * \text{MW}) * \text{TIDR}$$

$$\text{FWIPR}(\geq 30\%) = (75\% * 400 \text{ JD}) * 55\% = 165 \text{ JD (Monthly Disability Pension after the new injury)}$$

The new disability pension should be greater than the old one. In our example, the new disability pension amounted to 165 JD which is greater than 78.75 JD, thus the disability pension shall be adjusted to 165 JD after the new injury.

In any case, Article 40 provides that "It is permissible to combine a wage from different work or income from a profession and the disability pension resulting from work injury which is determined in accordance with the provisions of this law."

Upon this combination allowed by legislation, the disability pension or the lump sum cash payment shall be considered a compensation for the injured person and not a salary or pension.

### **Secondary Issues Related to the Worker's Rights in Pensions and Compensations Insurance**

1. In addition to the above mentioned entitled rights of the insured upon his work injury on the Social Security Corporation and on the employer, there are other rights that may result for the injured worker in accordance with the civil liability rules other than those that were mentioned above that are the responsibility of the Social Security Corporation for compensation. The work injury and work accident may have resulted from the employer's fault or negligence or from a mistake from another worker or even from third parties. In such cases, the injured worker may have other rights and, according to civil liability, other benefits than what was mentioned before which are the liability of the Social Security Corporation.<sup>1</sup>
2. In our research, we have gathered the following statistical results that show that the cumulative number of beneficiaries who are entitled to natural disability and death pensions reached 17610 persons, while in terms of natural disability pensions the number of beneficiaries reached 10673 persons, and the number of natural death pensions beneficiaries was 2025, and finally the number of work injury disability beneficiaries reached 3331.
3. This study has shown that most of the injured who died from work injury were unemployed and single young men who had low wages. Therefore, Jordanian legislation did well when it increased the injured death pension from 50% to 60% then to 75% of the wage subject to Social Security Contributions. Hence, Jordanian legislation adjusted the pension level that was low because it shall not be linked to the number of contribution years. However, in terms of different types of Injury Disability Pensions, this study has proven that most beneficiaries were among the young men category who earned low income. On the other hand, the injury disability pension has not been adjusted according to the number of contribution years. Also, the injured worker can, in some cases, receive his entitled disability pension and continue to work. It is also allowed to combine between both salaries under certain conditions.<sup>2</sup>
4. Article 37 of the Jordanian Social Security Law states that "the injured person, his heirs or the entitled parties shall not have the right to claim the establishment for any compensation other than the compensation provided in this law in respect of work injuries, unless the injury is caused by a serious mistake of the establishment." This Article indicates that it is not permissible to claim against the employer in respect of work injuries because the Social Security Corporation will do so in accordance with the law, except if the injury is caused by a serious mistake of the employer.

---

<sup>1</sup> Dr. Mustafa Ahmed Abu Amro, Principles of the Social Insurance Law, Halabi Publications, Beirut, 2010, p.387.

<sup>2</sup> Dr. Mohammed Khalid Al-Zu'bi, op. cit., Pp. 175-176.

Therefore, in the case of the death of the worker as a result of a work injury, and if there was an act by the employer resulting in such death, the heirs of the deceased worker may combine the pension paid to the beneficiaries due to the death of their breadwinner as a result of the work injury and the compensations according to the rules of Default Liability due to a material error by the employer.

One of the judgements issued by the Jordanian Court on a case related to the death of a laborer working in a mine, was that the court decided a compensation to be paid for the insured worker by the employer in addition to his entitlements from the Social Security Corporation and in accordance with the law; namely the court forced the employer to compensate the heirs of the deceased as physically and morally due to a material error caused by the employer that was liable in accordance with the rules of civil law, without the need for those affected to prove the employer's fault besides the guard of workings and machines.<sup>1</sup>

In the view of some, the obligation of Social Security Corporation to compensate the injured worker shall not preclude the liability of the wrongful employer to pay compensation in accordance with the rules of civil liability, but both obligations are united in the purpose of the remedy of damage; however, the indemnity shall not exceed the actual damage and may not be compensation for damage more than the real damage because it will be enrichment without cause. However, the injured worker's compensation from Social Security Corporation is a random compensation. Therefore, the employer may be charged to pay the value of the difference between the indemnity that the injured worker received from the Social Security Corporation and the full compensation that covers the full damage caused to him. This means that a judge may deduct from total amounts received by the injured worker from Social Security Corporation and decide to force the employer to pay the remaining entitled payment.<sup>2</sup>

## CONCLUSION

Jordanian Social Security Laws have granted many guarantees to injured workers who are exposed to work injuries or occupational diseases in the course of their work. This injury may cause partial disability of the worker, and it may limit the capacity of the worker to perform his work. It may develop into a total disability of the worker, thus a worker can no longer perform his ordinary work and then would lose his job. In other cases, the result of injury may be the death of the worker, thus lose his family would lose its breadwinner and livelihood.

Therefore, legislation has looked at these cases with a humanitarian outlook and compensation to all of these cases either with a lump sum cash compensation or a disability pension. The disability meant in our research is the disability resulting from the injury from work and not natural disability. Where the latter is dealt with differently in terms of death, old age and disability insurance.

Legislation has detailed the value of these payments or salaries according to the proportion of the disability, and sometimes in terms of total disability legislation has taken a humanitarian

---

<sup>1</sup> Supreme Court Decision No. (44) Case No. (1147/95), The Case of Awni Mahmoud Obeidat, Explanation of Social Security Law, Dar Wael for Publishing, 1998, pp. 254-255.

<sup>2</sup> Dr.. Mohamed Hassan Kassem, Explanation of Social Insurance, Regulations and Supplementary Systems, University Publications House, Alexandria, 2010, p. 291.

view by increasing the disability pension by 25%, if the injured person needs an assigned person to carry out his daily life on the basis of a decision of the Medical Committee. However, the disability with a ratio equal to 30% and less than 75% are entitled to a disability pension that equals the product of multiplying the disability ratio by the Total Permanent Injury Disability pension, because if the disability ratio reaches 75% or more, it shall be considered a Total Permanent Injury Disability and then the pension will be calculated differently.

If the work injury results in a Partial Permanent Disability of a ratio less than 30%, then the injured worker shall be compensated by a Lump Sum Compensation. Jordanian legislation has also organized the compensation or the payment of pensions in the event that the worker might suffer several consecutive work injuries in two cases: the first if total disability ratio for all injuries are less than 30% and the second case when the total disability ratio for all injuries are 30% or more.

Therefore, in having more accuracy for calculating such compensation, we have established mathematical equations based on the Jordanian Social Security Law to calculate each case separately according to each disability ratio determined by the medical committees of the Social Security Corporation.

## REFERENCES

- Awni Mahmoud Obeidat, Explanation of Social Security Law, Wael Publishing House, 1998.  
 Dr. Mohamed Hassan Kassem, Explanation of Social Insurance, Basic Law and Complementary Systems, University Publications House, Alexandria, 2010.  
 Dr. Mohammed Khaled Al-Zoubi, Social Security, Protection of the Elderly between the Market Economy and Social Justice, Wael Publishing House, Amman, 2013.  
 Dr. Mustafa Ahmed Abu Amro, Principles of the Social Insurance Law, Al-Halabi Law Publications, Beirut, 2010.  
 Hiyam Mahmoud Harb Al-Shawabkeh, 1997, Aging, Disability and Death Insurance in the Jordanian Social Security Law, Master Thesis, University of Jordan, Amman, Jordan.  
 Judge Hussain Abdullatif Hamdan, Social Security Provisions and Applications, Al-Halabi Law Publications, Lebanon, Beirut, 2009.  
 Mohammed Abdul-Hafeez Al-Manaseer, Aging Insurance in light of the provisions of the Social Security Law, Master's Thesis, Amman Arab University, Amman, Jordan, 2009.

## Laws and Regulations

- 1- Jordanian Labor Law.
- 2- Jordanian Civil Law.
- 3- The Jordanian Social Security Law No. 1 of 2014 and the insurance regulations issued thereunder.
- 4 - Insurance Benefits of the Social Security Corporation No. 15 of 2015
- 5-Social Security Coverage Regulation of the Social Security Corporation & its amendment No. (119) for the year 2016

**APPENDIX**

English Term	Term Abbreviation	English Term	Term Abbreviation
Disability	Dis	Total Permanent Injury Disability	TPID
Ratio	R	Pension added value due to Patient need	PAVPN
Work injury	WI	Partial Permanent Injury Disability resulting from work injury, with ratio from 30% -75%	PPID (30-75%)
Monthly Wage	(MW)	Partial Permanent Injury Disability resulting from work injury, with a ratio less than 30% )lump sum compensation(	PPID (<30%)
Death	D	Frequent Injury Compensation with disability less than 30%	FIC (<30%)
Disability	Dis	Total Disability Ratio for Frequent Injury	TDRFI
Total	T	First Injury Disability Ratio	IDR1
		Second Injury Disability Ratio	IDR2
Compensation	C	New Injury Disability Ratio	NIDR
Payment	P	Frequent Work Injury Pension with Disability Ratio $\geq 30\%$	FWIPR( $\geq 30\%$ )
One	1	Total Injury Disability Ratio	TIDR
Permanent	Pr	Total Permanent Injury Disability Pension with need	TPIDPN
In need	Nd		
All injuries	Ai		
New	Nw		
Total Ratio of Disability	Td		
Pension Added Value	PAV		
Disability Ratio	Dr		
Injuries Frequency	IF		