

## **Occupational disease (indirect work injury) in Jordanian legislation**

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### **Abstract:**

This study aimed to try to shed light on occupational disease as an indirect work injury in light of the provisions of Jordanian legislation. The two researchers worked to address the issue by explaining what occupational disease (indirect work injuries) is in terms of its definition and what distinguishes it from the rest of the work injuries that the worker is exposed to in the first topic. As for the second topic, it dealt with defining the methods used in Jordanian legislation to prove occupational disease, and the conditions that must be met in order to verify occupational disease and consider it an indirect work injury. The two researchers concluded with several conclusions and recommendations that this study concluded.

### **Introduction:**

Workers are exposed during the performance of their work or as a result of it to two types of injuries, which are either a direct injury represented in an accident in the workplace or on the usual road to and from work. These injuries are combined in one unit, which is the occurrence of a direct and sudden accident that damages the worker's body, such as the injury that the worker is exposed to as a result of using the equipment designated for the work and leads to a break in his hand or as a result of a traffic accident for the worker while he is on the usual road to or from the workplace. As for the second type of injuries, it is the indirect injuries, and it is the case of the occupational disease that affects the worker. This type does not come about suddenly, but rather develops gradually and slowly (1), as it is difficult to determine the date of the onset of the disease (2), because the emergence of the disease is not related to the occurrence of a sudden accident, and the inability to notice and perceive it (3).

Therefore, although the legislator has equated in judgment and effect between the worker's exposure to an injury to his work or his injury to one of the occupational diseases (4), the concept of each of them is different from the other. The work injury is due to a sudden accident that causes sudden harm to the worker, whether during the performance of the work or because of it or Road hazards while going to and from work (5) while occupational diseases do not occur suddenly, but gradually arise in the worker's body as a result of performing a specific work (6).

Indirect injuries represented by occupational diseases are considered among the occupational hazards that the worker is exposed to in his health and safety of his body, as it may destroy his life, or it may leave him with total or partial disability, which leads to an impact on his ability to earn and subsist for his family (7), which It makes him dependent on himself, his family, and society as well. That is why the comparative legislation paid attention to diseases that afflict the worker because of his profession and devoted specialized legal texts to them that treat these diseases as work injuries, which is what the Jordanian legislator did in both the Jordanian Labor Law No. 8 of 1996 and its amendments and the Social Security Law No. 1 of 2014 (8). In addition, the International Labor Organization launched several initiatives aimed at reminding the importance of creating a healthy and safe work environment for workers. Starting in 2003, April 28 of each year was designated as the International Day for Occupational Safety and Health (9).

### **The problem of the study:**

The problem with this study lies in explaining the nature of the occupational disease (indirect work injuries) in terms of its definition and what distinguishes it from the rest of the work injuries that the worker is exposed to, and in determining the methods used in Jordanian legislation to prove the indirect injury, and in the conditions that must be met to verify the indirect injury Consider it a work injury.

### **The study questions:**

- 1- What is the definition of occupational disease?
- 2- What distinguishes it from work accidents?

- 3- What are the means of determining the occupational disease?
- 4- What are the conditions required for it to be considered an occupational disease?

### **The Study Approach:**

To answer the previous questions, a descriptive, analytical and comparative approach will be adopted by examining the legal texts, jurisprudential opinions, and judicial jurisprudence related to the subject of this study and stating their deficiencies, if any, in addition to the comparison - if possible - between the texts of the Jordanian Labor Law and the Jordanian Social Security Law and between Similar laws.

### **The Study division:**

This topic will be dealt with by dividing this study into two independent topics: the first topic is entitled the concept of occupational disease, and the second topic deals with means of determining occupational disease and the conditions for its verification, as follows:

### **The first topic**

#### **The concept of occupational disease**

##### **Introduction:**

The causes and types of diseases to which the worker is exposed have varied, and it is difficult to distinguish between diseases that are caused by professional factors, that is, of a professional nature, and to determine the causes that lead to the emergence of these diseases, the forms and symptoms that appear on the health status of the worker and among the rest of the other diseases that the worker is exposed to and that are not characterized by a professional character. Likewise, it has become urgent to define the difference between these occupational diseases and common diseases and work accidents and the special means for determining these diseases, as well as the characteristics and conditions that characterize them as an occupational disease. We will try to understand the concept of occupational disease as an indirect work injury by dividing this topic into two requirements: The first one deals with the definition of occupational disease, while the second requirement deals with the distinction between occupational disease and work accident.

### **The first requirement**

#### **Definition of occupational disease**

The various comparative legislations have been concerned with giving special definitions of occupational diseases, so we find that each legislator has set a special definition for occupational diseases, through which they either define their symptoms or classify them in special tables for these diseases. These legislations gave a special definition of the occupational diseases to which the worker is exposed, before resorting to determining a percentage of the compensation provided to the injured by the authority responsible for its payment.

By reviewing the position of the French legislator, he set a special definition for these diseases by mentioning the symptoms that appear on the health status of the worker, and he set a special schedule for determining the occupational diseases and considered that every disease that the worker was afflicted with and not mentioned in the table is not considered an occupational disease (10). By referring to Article 461/1 of the French Social Security Law, we find that the French legislator defined occupational disease as: "Every disease arising from a slow and continuous action of some harmful factors, to which the worker was exposed through his work. The workers are subjected to physical, chemical or biological factors dangerous to health, or if it is a result of the circumstances in which the worker carries out his usual professional activity" (11).

As for the Egyptian legislator, it defined occupational disease in the Social Insurance and Pensions Law No. 148 of 2019 and in Article (1) thereof as: "15- Work injury: infection with one of the occupational diseases shown in Table No. 1 attached to this law ...." (12).

For his part, the Jordanian legislator has kept up with comparative legislation and considered infection with one of the occupational diseases a reason to consider it a work injury, as Article (2) of the Jordanian Labor Law No (8) of 1996 stipulates: "Occupational disease: infection with one of the industrial diseases shown in Table No (1) ) Or injury to any of the occupational injuries indicated in Table No (2) attached to this law. " Whereas, the Jordanian Social Security Law No. 1 of 2014 has defined it when stating a work injury without specifying a specialist, so that he considered it among the contents of work injuries, as he defined it in Article (2) of it as: "Work injury: infection with one of the occupational diseases shown in Table No. (1) Appended to this Law (13) and any other diseases that the Council decides to add to this schedule based on the placement of the medical reference.

In light of the position of the legislative systems on occupational diseases, we can notice that they have refrained from setting a specific definition of occupational disease, but that they have defined which occupational diseases to which the description of a work injury applies according to tables showing the professions and diseases that result from practicing these professions, which led the jurisprudence to address the definition of occupational disease. So we find an aspect of jurisprudence that he defined as "every disease listed in the tables attached to the law, if the worker carries out a work that the schedules stipulated that it leads to that

disease” (14). While some others defined it as “one of the diseases resulting from practicing the profession or for reasons related to it in the judgment of work injuries, and accordingly the same provisions and rules that deal with insurance incidents of work injuries apply to him” (15).

Another trend has also gone to define it: “Every phenomenon of illness and every bacterial infection or infection whose source is the spore arising from professional activity is considered an occupational disease” (16). It was also defined as “a disease caused by a permanent work that appears during a certain period, which may be in the period of work or the legally specified period, which may be caused by rottenness in the workplace or any other reason provided that it is related to work” (17). As for some of the others in the jurisprudence, it likened occupational disease to self-combustion, as it consumes materials starting from the base and rises little by little until reaching complete ignition leading to fire (18).

The International Labor Conference defined it as "every disease that occurs frequently among those working in a profession or a state of poisoning that occurs because of the materials used in a particular profession, which requires compensation for it as an occupational disease if the person is among those who work in that profession" (19).

Through the previous definitions of occupational disease, it becomes clear that the most important characteristic of occupational disease is the following:

1- It arises as a result of the worker practicing a profession or because the worker is exposed to the surrounding environment factors such as dangerous and harmful physical and chemical factors that lead to chronic disease or death (20).

2- It develops gradually and slowly and does not appear suddenly, such as poisoning as a result of contact with some harmful substances, such as lead, so that its effects appear only gradually (21).

3- The diseases that the worker suffers from cannot be considered occupational diseases unless they are listed and explicitly and without ambiguity in the tables attached to the law that classify these occupational diseases and under specific conditions for the symptoms and consequences that appear on the worker's body (22).

4 - There must be a link between the disease that the worker has contracted and the professional activity that he performs that leads to the existence of a causal link between the disease and work, so that the disease is a result of the exercise of that professional activity (23).

For all the above, it is evident that the Jordanian legislator and the Social Security Law did not adopt a separate definition of occupational disease, but rather defined it in order to define a work injury, while the Jordanian Labor Law included a separate definition of occupational disease. Since the independent definition of occupational disease gives a complete perception of the identifier, its pillars, conditions, characteristics and causes, the researchers wish the legislator to adopt the definition of occupational disease, which some jurisprudence rightly said: Carrying out tasks that over time lead to illness of occupational origin.

Here, the two researchers see that occupational disease can be defined as: the disease that arises due to exposure to environmental factors accompanying the work, such as physical or chemical factors dangerous and harmful to health. They are specific diseases that result from the direct impact of production processes and the wastes and materials they produce, or as a result of the influence of the prevailing conditions of nature in the work environment, such as heat, humidity, radiation, and others.

## **The second requirement**

### **Distinguish between occupational disease and work accident**

By extrapolating the comparative laws and international agreements regulating work accidents and occupational diseases, we find that these laws dealt with separately mentioning the characteristics of occupational diseases and work injuries. This is what made us dwell on the distinction of occupational diseases for work accidents or injuries. And to determine the extent of the existence of a relationship or connection between the disease and the work that the worker occupies so that this disease is characterized as an occupational disease and not just a normal disease (24).

Both occupational disease and work accident are similar in that both appear on the body of the sick or injured worker, externally or internally, in a way that affects his work capabilities. Also, they are proven to have a causal relationship between the injury and the injury, whether the injury is an occupational disease or a work accident (25).

Despite this similarity, there is a difference between occupational disease and a work accident which can be shown through the following two items:

#### **First: In terms of the law:**

Jordanian Social Security Law No. 1 of 2014 stipulates what occupational diseases are, according to schedules attached to the law. In the event that new diseases appear as a result of the development of industries and they are not covered by these tables, then technical expertise is the determinant for these diseases. Article (2) of this law stipulates that: “..... And any other diseases that the council decides to add to this schedule based

on a placement the medical reference. Moreover, it is worth noting that the insurance coverage remains continuous in the event that symptoms of occupational disease appear within two years of the worker leaving his job (26).

As for work accidents, the law does not specify work accidents, as these accidents happen to the worker during work or on the way to and from work and cannot be foreseen or what they are, as they consist from scratches and bruises and ending with amputations or death, and the worker is entitled to compensation in the event of a causal relationship between work and accident (27).

### **Second: In terms of the appearance of the effects:**

What distinguishes work accidents is that they are immediate, that is, their effects appear on the injured worker as soon as they occur. As previously explained, work accidents are characterized by being based on the element of violence based on external force and the element of surprise, and this element leaves a direct impact on the body of the injured worker. Injury is achieved as soon as violence occurs and the injury is related due to the nature of the work (28). While the effects of occupational diseases are lax and slow, they may appear in the future or after a long period of leaving the worker from his work that causes this disease, as occupational diseases are related to the causal relationship between disease and occupation (29).

On the other hand, the occupational disease results from the normal practice of the profession occupied by the worker in a way that leads to the impossibility of determining the onset of his injury, while the work accident can be determined in its temporal and spatial extent as it is an external accident resulting in a bodily injury that appears on the worker's body (30). The occupational disease differs from the work accident in proving the work-related injury, as it is considered easy in a work accident because it is a visible external injury, and it is difficult to prove with regard to occupational diseases because they are considered internal diseases that give rise to hidden psychological and mental symptoms that appear gradually and take time to appear (31).

## **The second topic**

### **Means of determining the occupational disease and the conditions for achieving it**

#### **Introduction:**

The worker is exposed to occupational diseases while performing his work, due to several reasons. This is what made all the legislations give priority and attention to the worker after contracting these occupational diseases. These legislations followed a method of their own to define these occupational diseases, and the Jordanian legislator, in turn, has adopted several methods to determine the occupational disease in addition to laying down a number of conditions that must be met to consider a disease as an occupational disease, otherwise it is considered a normal disease. To take note of these means and conditions, we have divided this topic into the following two requirements:

## **The first requirement**

### **Means for determining occupational disease**

As a result of the great development in industries, and as a result of the spread of occupational diseases among workers, and the fact that the worker is the weakest party in the relationship with the employer, there are many methods used by legislation to define occupational diseases as work injuries. These methods can be classified into four methods, which are as follows (32):

#### **1- General text on work injuries (universal coverage system) (33):**

This system is based on a basic idea that entrusts a specific body to research in each case separately in terms of whether it is an occupational disease or not (34) a. The adoption of this method in identifying diseases entails the commitment of the competent authority to search for each case separately to verify the existence of a causal link between the disease and the profession. This competent body is assisted in defining occupational diseases by a committee of specialized doctors who are considered experts in industrial safety (35).

Regarding this totalitarian system, some jurisprudence has argued that the content of this method does not distinguish between sudden injury (that results from accidents) and progressive injury (that results from disease). An occupational disease is defined on the basis that it is the disease caused by the work, the conditions surrounding its performance, or the places in which it is performed, and based on this method; each case is examined separately to determine whether it is an occupational disease or not (36).

One of the advantages of this system is that it covers all occupational diseases caused by various occupations and businesses, as any disease that afflicts the worker and is proven related to work is considered an occupational disease covered by work injury insurance. The occupational disease is proven by the examination that takes place after the injury, and the body that conducts the examination is the one who decides to consider it a disease professionally or not (37). What distinguishes this system is that we find a special committee represented by the technical committee, which is the competent and responsible one that is responsible for determining the type of disease and whether it is an occupational disease due to the work performed by the worker or a common disease due to other causes (38).

However, this system is criticized for placing the burden on the worker to prove the causal relationship between disease and occupation, as it is difficult for the worker to distinguish between symptoms of occupational disease and other diseases. To alleviate this burden, these laws resorted to appointing specialized medical bodies that determine whether or not the disease occurred due to work (39).

2- The specified tables system:

This method is based on providing for specific diseases according to tables that show the injuries that afflict workers in specific occupations, as the causal relationship between illness and occupation is assumed by the rule of law. This exempts the worker from proving this causal relationship, and he must prove that he is working in this profession only for the purpose of compensating him for his occupational disease (40).

The disadvantage of this method is that the specified schedules are closed and no new occupational disease may be added to it, as only the diseases and professions specified in these tables are taken together without being satisfied with the availability of any of them only. In the event that a worker suffers from a specific disease in the schedules, but his occupation is not mentioned in the schedules, his injury is not considered an occupational disease, so whoever suffers from lead poisoning without his profession requiring handling of lead is not considered to have an occupational disease (41).

3- The open tables system (flexible schedules): In view of the difficulties encountered by the previous method that defined the closed tables system, the problems and criticisms it faced in terms of not keeping pace with development and as a result of the emergence of new industries, some legislations resorted to adopting a new method whose content is to set tables that define diseases and professions. These schedules are subject to adding any new occupational disease to the schedule based on a placement from the relevant medical reference (42).

4- Mixed (dual) system: This system is based on duplication in the coverage system, whereby it is a mixture between the scheduling system and the comprehensive coverage system, according to which the law includes a table of occupational diseases and the work that causes them. If the disease is one of the diseases listed in the schedule, the worker is exempt from establishing the causal relationship between disease and occupation, and if the disease is not mentioned in the schedule, the burden of proving the causal relationship falls on the worker (43).

There is no doubt that the purpose of this system is to avoid criticism of the previous regulations by expanding the scope of social protection for the injured worker, so that it covers all occupational diseases that are caused by the nature of work, and based on this method, all work and diseases that the worker is exposed to, whether mentioned in The tables or not are included in the scope of coverage, as the tables mention them as an example but not limited to (44).

From the foregoing it is evident that this last system is the best insurance system in terms of covering occupational diseases because it has made the door wide for the purposes of benefiting from the insurance systems, and it achieves flexibility in the area of coverage in terms of the occurrence of several diseases in the recurring schedules and thus relieves the worker affected by them from the burden of proof of occupational disease. As for the new diseases that are not mentioned in the tables, the worker has the right to prove their percentage of the occupational disease by all methods of proof, which makes all occupational diseases as a result included in the scope of insurance coverage.

As for the position of the Jordanian legislation on these means, the researchers find that the Jordanian legislation has adopted the third method, which is the open flexible schedules system. The Jordanian Social Security Law stipulated, in Article (2) thereof, that: "Infection with one of the occupational diseases shown in Table No. 1 attached In this law and any other diseases the council decides to add to this schedule based on the medical reference's placement. Despite the position of the Jordanian legislator when he did not limit occupational diseases to closed schedules, in line with international legislative developments and for the purpose of expanding the scope of insurance coverage, researchers hope that the legislator will adopt the mixed (dual) system as it achieves greater comprehensiveness for the worker in the insurance coverage for diseases without limiting them to Schedules or waiting for long procedures by committees. And because this system made the door wide for workers in order to benefit from the insurance systems, and achieved flexibility in the area of coverage in terms of the occurrence of several diseases in the schedules of frequent occurrence, and thus relieved the worker affected by them from the burden of proving the occupational disease. As for the new diseases that are not mentioned in the tables, the worker has the right to prove their percentage of the occupational disease by all methods of proof, which makes all occupational diseases as a result included in the scope of insurance coverage

## **The second requirement**

### **Conditions for verification of occupational disease**

The worker is exposed to occupational diseases during the performance of his work due to several reasons, which prompted all legislation to give priority and attention to the worker after contracting these

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occupational diseases, and these legislations followed a method of their own to identify these occupational diseases. For his part, the Jordanian legislator has kept pace with these legislations and developed a list of the conditions that must be met in the disease. The absence of these conditions in the disease that afflicts the worker will negate the status of the occupational disease from him.

The Jordanian legislator has defined the conditions that must be met in order to verify the occupational disease by defining a work injury in Article (2) of the Social Security Law No (1) of 2014 (45) as well as through the conditions stipulated in Article (3 / B / 1) of the regulation. Insurance benefits for the Social Security Corporation No. 15 of 2015. Accordingly, we will deal with these conditions in detail according to the following:

1- The incidence of the disease within the schedules of occupational diseases:

For the purposes of considering the disease that afflicted the worker an occupational disease, it must be mentioned and the profession that causes it in the tables attached to the law that specializes in occupational diseases. This condition was made explicit in the text of Article (2) of Social Security Law No. (1) of 2014 in its text when a work injury was known to have an occupational disease shown in Table No (1) attached to this law and any other diseases that the Council decides to add to this schedule based on Placement of medical reference.

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In this regard, the researchers do not agree with what some of the commentators of Jordanian law have argued (46) that the Jordanian legislator has taken the occupational diseases mentioned in the schedules exclusively, as the researchers claim that the Jordanian legislator has adopted the flexible open schedules system, as he made the law for a board of directors(47). The institution has the authority to add any other diseases based on the placement of the competent medical reference, as it is considered one of the tasks of the primary medical committees and as stated in Article (23/8) of the insurance and medical committees system of the Social Security Corporation and its amendments No. 16 of 2015 showing the extent of the insured's injury to occupational disease With determining the beginning of the emergence of that disease and the date of stability of the state of health in accordance with the provisions of Article (39) of the law and the provisions for separating work injuries stipulated in the insurance benefits system of the Social Security Corporation(48).

On a related note, the Administrative Court endorsed the previous trend when it decided, "The text of Article (2) of the Security Law defines occupational diseases, for example, but is not limited to evidence of what is stated in that article and any other diseases that the council decides to add." (49)

2- The existence of a causal relationship between the disease and the work performed by the worker:

By referring to the tables attached to the Social Security Law No (1) for the year it becomes evident that the legislator, upon his approval of these schedules, has adopted the double standard for detailing them (50). As the legislator provided the profession and the diseases that the worker could be infected with, so that if the worker had contracted any of these diseases and was working in the same profession, the injury was considered an occupational disease. Disease, and therefore the mere act of working in the same profession is considered conclusive evidence of the occurrence of an occupational disease that cannot prove the opposite (51).

The Jordanian Administrative Court upheld in a ruling this condition when it decided, "Whereas what the plaintiff suffers from diseases (including epilepsy, sinus operation, frequency deviation and neurosensory hearing impairment), hearing impairment is the only disease listed in the schedule as an occupational disease. From the report of the Director of the Occupational Safety and Health Administration that was organized when the inspection was carried out to verify the condition of the summoned at his workplace, that the worker was working at noise levels within normal limits and did not exceed (85) decibels for a period of 8 working hours. The social and legal problem is in accordance with the provisions of Article 38 of Social Security Law No. 1/2014 and the instructions issued, and in its capacity as a technical committee, it met its legal quorum and examined the applicant's file, the medical reports attached to the file, studied his pathology, the report of the Occupational Safety Department, interviewed him, and decided in light of it that it does not apply to the case of the summoned The concept of occupational disease after finding that his condition is not one of the occupational diseases listed in Table No (1) attached to the Social Security Law, so its decision is consistent with the provisions of the law and other than Any of the faults suffered by the plaintiff shall be disclosed, and thus the lawsuit becomes subject to response "(52).

By analyzing the previous ruling, it becomes clear that the court, before delving into the topic, discussed the extent of the disease in the tables of occupational diseases and the causal relationship between disease and profession, so that it excluded diseases not mentioned in the tables and adhered to the specific disease, which is the deaf disease (hearing loss), and then discussed the extent of the causal relationship between Illness and occupation. By referring to Table No (1) in the list of occupational diseases, we find that the occupational disease mentioned in the judgment decision has been mentioned in No (39) of the table.

3- The work of the insured in a specific profession that necessitates constant contact with the factors causing the disease:

By viewing Table No (1), it appears, as has been previously explained, that it includes a description of the disease and a description of the profession in which the worker works and leads to the disease. This

condition includes the necessity of constant contact of the worker with the pathogens of the disease for the purpose of being considered a work injury, where the injury may be the result of exposure to various harmful factors, which may be chemical, physical, biological, carcinogen or radioactive. Occupational disease usually results from permanent and repeated exposure to the cause of harm over a certain period of time.

This condition was met with criticism because it leads to depriving many workers of the scope of social protection to cover diseases that afflict them as a result of occupational disease, for example, an accountant who works in a chemical plant and the nature of his work does not require direct and continuous contact with chemicals. They have direct contact with these materials that are not covered by social insurance coverage when this condition is applied (53).

4- That the rate of disease prevalence among workers in the profession is more than the rate of its spread among the rest of society groups:

Occupational disease meets natural disease because they are diseases that a person begins with from inside his body, even if it is due to infection from outside, and not as a result of a work accident that occurs on the worker's body by an external action. As in work injuries resulting from those accidents, except that the occupational disease affects the worker who occupies a certain job that affects his health and is exposed to disease, but this does not mean that a person does not become infected with this disease if he is not working in a profession that is known to cause disease. Not everyone who works in that profession necessarily suffers from the disease attributed to it (54).

In a related way, some believe that this condition follows the previous condition, and that the aim of adding this condition is for insurance purposes in order to create a control process for occupational diseases (55), as this condition assumes that the disease is more widespread among workers than other groups of society. This is due to the constant contact with the causes that lead to illness mainly due to practicing the profession, and it is taken on this condition that it deprives many workers who suffer from occupational diseases from the scope of social insurance coverage because the disease is not spread among workers in the same professional scope, which is an unjustified reason and is prohibited. The worker is entitled to insurance coverage.

Here, the researchers find from the foregoing that this condition does not have a specific criterion indicating the prevalence of disease among workers, and it is a condition that leads to the arbitrariness of the body that determines the applicability of the description of the occupational disease to the injury, which generates disputes before the courts to clarify the applicability of the description of the occupational disease or not. The Jordanian judicial rulings have established that the medical committees formed according to the provisions of the law determine whether the description of an occupational disease applies or not (56).

5- That the period of exposure to the causative agent is scientifically sufficient for the occurrence of the disease:

Due to the nature of the occupational disease, and because it is a slow disease and does not come suddenly, but rather gradually and its symptoms appear during the worker's term or after the end of his work period, the Jordanian legislator took this matter into consideration when it stipulated in Article (39) of the Social Security Law that the institution's commitment to the rights of the injured worker remains in If symptoms of occupational disease appear on the insured within two years from the date of termination of his service in a particular profession that was the reason for his infection with the occupational disease.

As a result of the difficulty in determining the time required for the development of the occupational disease and for the emergence of its effects, the only body capable of demonstrating this is the medical experience that is based on accurate and scientific studies showing the time required for the emergence of these pathological symptoms.

The provisions of the Jordanian judiciary in many of its rulings supported the role of medical technical expertise in considering the disease as occupational or not, the latest of which was stated in the ruling of the Jordanian Administrative Court that: "Since the medical appeals committee at the Social Security Corporation is legally formed in accordance with the provisions of Article 38 of Social Security Law No. 1/2014 and the instructions issued, in its capacity as a technical committee, met its legal quorum and viewed the applicant's file and the medical reports attached to the file, studied his illness history, the report of the Occupational Safety Department and met with him, and decided in light of it that it does not apply to the case of the plaintiff the concept of occupational disease after it came to the conclusion that his condition is not One of the occupational diseases listed in Table No. (1) attached to the Social Security Law, so its decision is consistent with the provisions of the law and is not tainted by any of the defects suffered by the plaintiff, and thus the lawsuit becomes subject to response "(57).

### **Findings and Recommendations:**

After we dealt with in this research the topic of occupational diseases (indirect work injuries) and got acquainted with their concept and what distinguishes them from work accidents, as well as the means of identifying them and the conditions for their verification, we have concluded the following results and recommendations:

### **First: results**

1- The Jordanian legislator followed the comparative legislations and considered the injury to one of the occupational diseases a reason to consider it a work injury, as he defined it in the labor law independently of injuries. As for the Social Security Law, he defined it when stating a work injury without specifying individuals who specialize in it. Rather, he considered it a component of a work injury.

2- The legislations under study have defined which occupational diseases to which the description of a work injury applies, according to tables indicating the professions and diseases that result from practicing these professions.

3- The most important characteristic of occupational disease is several things, the most important of which is that it arises as a result of the worker's practice of a certain profession or as a result of exposure to the factors surrounding the work environment, and this disease develops gradually and does not appear suddenly, and the necessity of the occurrence of the occupational disease in the schedules clearly specified without ambiguity for the purposes of considering the injury. It has an occupational disease, as well as the necessity of a causal link between the disease that afflicted the worker and the worker's professional activity.

4- Both occupational disease and work accident are similar in that both appear on the body of the sick or injured worker, externally or internally, in a way that affects his work capabilities. Also, they are proven to have a causal relationship between the injury and the injury, whether the injury is an occupational disease or a work accident.

5- Occupational disease differs from work injury in terms of the law. In occupational disease it must be mentioned in the tables attached to the law, or the competent authorities decide, based on the placement of approved medical authorities, to add them to these schedules. As for work injuries, the law does not specify work accidents. Injuries can be predicted or what they are, and the Jordanian legislator and in the Social Security Law kept the institution's responsibility for insurance coverage for occupational diseases continuing after the worker left his work for a period of two years from the date of leaving, unlike injuries that are not covered once the worker leaves the scope of social and legal protection in time and space.

6- An occupational disease injury differs from a work injury in terms of the appearance of the effects. The effects of occupational diseases are lax and slow and appear in the future or after a long period of time from the worker's leaving his work that causes this disease, and the onset of infection cannot be determined. As for work injuries, they appear directly on the injured worker, as these injuries are based on the two elements of violence based on external force and the element of surprise, so that they leave their direct effects on the body of the injured worker, and their temporal and spatial scope can be determined.

7 - Legislative systems were based on several means to determine occupational disease, some of them adopted the comprehensive coverage system, some of them adopted the fixed schedules system, others adopted the flexible schedules system, and the last adopted the mixed system, while the Jordanian legislator adopted the flexible open schedules system.

8 - Once there is a causal relationship between the disease that afflicted the worker and the profession in which he works, the occupational disease is achieved, and it is considered conclusive evidence of the occurrence of the occupational disease and proof of the opposite is not acceptable.

### **Second: recommendations:**

1- The two researchers recommend the Jordanian legislator to adopt a separate definition of occupational disease, and suggest to the legislator to define it as follows: "Occupational disease is: the disease that arises due to exposure to environmental factors accompanying the work, such as physical or chemical factors that are dangerous and harmful to health. " as Productive processes and the wastes and materials that they generate, or as a result of the influence of nature conditions prevailing in the work environment, such as temperature, humidity, radiation, etc."

2- The researchers recommend the Jordanian legislator to cancel the condition mentioned in the text of Article (3 / B / 1) of the Social Security Corporation Insurance Benefits System No. 15 of 2015, which includes the work of the insured in a specific profession that necessitates constant contact with the factors causing illness, because it leads to Deprivation of many workers from the scope of social protection to cover diseases that afflict them as a result of occupational disease.

3- The researchers recommend the Jordanian legislator to abolish the condition mentioned in the text of Article (3 / B / 1) of the Social Security Corporation Insurance Benefits System No. 15 of 2015, which guarantees that the rate of disease prevalence among workers in the profession is more than the rate of its spread among groups of society. It is taken for this condition that it deprives many workers who suffer from occupational diseases from the scope of social insurance coverage because the disease is not spread among workers in the same professional scope. It is an unjustified reason and deprives the worker of his right to insurance coverage. Also, this condition does not have a specific criterion indicating the rate of spread of the disease among workers, and it is a condition that leads to the arbitrariness of the body that determines the



applicability of the description of the occupational disease to the injury, which generates disputes before the courts to clarify the applicability of the description of the occupational disease or not.

4- The two researchers recommend the Jordanian legislator the necessity of adopting the fourth system of regulations that define occupational diseases, which is the dual (mixed) system, because this method made the door wide for workers in order to benefit from the insurance systems, and achieves flexibility in the area of coverage in terms of the occurrence of several diseases in the tables. Their occurrence and thus relieves the affected worker from the burden of proving occupational disease. As for the new diseases that are not mentioned in the tables, the worker has the right to prove their percentage of the occupational disease by all methods of proof, which makes all occupational diseases as a result included in the scope of insurance coverage.

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