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Bangladeshi worker Janaed (on bed) had suffered severe injuries from a 3m-high fall and is now a bed-ridden quadriplegic. In a separate case a few months earlier, his brother Jahid (in wheelchair) fell from a ladder while doing air-con maintenance work and suffered spinal and leg injuries. PHOTO: COURTESY OF JAHID'S FAMILY

NUHS won't seek \$296k repayment of bills from worker

Healthcare group won award in court; foreign worker's firm had defaulted on bill payment

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A healthcare group, which runs National University Hospital (NUH) and Alexandra Hospital, has said it is not pursuing a \$296,000 award it won in court against a quadriplegic foreign worker, whose employer had defaulted on paying his medical treatment bills.

"We understand his circumstances," the National University Health Services (NUHS) group told The Straits Times recently.

Separately, the Ministry of Manpower (MOM) also told ST earlier this week that the employer, Newtec Engineering, is being investigated for failing to pay the medical expenses and buy the required insurance for the foreign worker.

Mr Janaed, 44, who goes by one name, had suffered severe injuries from a 3m-high fall at Westgate Tower in Jurong, in November 2018.

He was warded at NUH for 91 days before being transferred to Alexandra Hospital, where he stayed for 152 days. Alexandra's bill was almost \$82,970 and NUH's, about \$213,000.

Both hospitals sued him as well as Newtec Engineering for the money. But Newtec did not appear in court for both cases and in a default move, the hospitals entered judgments against it.

Meanwhile, the cases against Mr Janaed went ahead, and the issue of who is liable to pay arose in the rare instance of an employer failing to show up when sued.

The district court ruled that when an employer guarantees to underwrite a foreign worker's medical costs, it does not mean the worker is not liable to pay the bills.

The court said Newtec's letters of guarantee to the two hospitals gave both the option of looking to

Newtec for the payments.

"They do not, however, prevent them from recovering any unpaid medical expenses from the (worker)," said District Judge Chiah Kok Khun in decision grounds issued in May this year.

The judge added: "We should not impose a legal burden on a hospital to obtain from a patient, who is sent to its emergency department, both the consent to the treatment and the agreement to pay, before rendering medical treatment, particularly when the patient is taken to the hospital unconscious."

"That the issue of necessitous intervention raised an interesting question does not detract from the fact that this is a tragic case."

Mr Janaed, a father of two young sons, returned to Bangladesh after his treatment but his injuries left him a bed-ridden quadriplegic.

Responding to queries, a NUHS spokesman said that as with other cases involving defaults on payment, it had exercised its options as part of the legal process.

It added: "Mr Janaed was a pa-

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NUHS SPOKESMAN

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MOM, in its statement, said employers of work permit holders are required to buy and maintain adequate work injury compensation insurance for their workers.

They also have to buy and maintain mandatory medical insurance with a minimum coverage of \$15,000 for inpatient treatment for each worker, it added.

"For failing to purchase and maintain both types of insurance and to pay for the medical expenses of Mr Janaed, MOM is investigating Newtec for offences under the Work Injury Compensation Act (Wica) and the Employment of Foreign Manpower Act, respectively."

Employers who fail to provide adequate insurance under Wica face a fine of up to \$10,000 or a maximum jail term of 12 months, or both.

Those who do not buy and maintain the mandatory medical insurance or pay for a worker's medical treatment can be fined up to \$10,000 or jailed a maximum of 12 months, or both.

MOM added that Mr Janaed filed a work injury compensation claim on Feb 16 last year but withdrew it on Oct 25 to pursue a civil suit under common law.

The accident is a double blow to Mr Janaed. Seven months before his tragedy, his younger brother Jahid, 40, also fell some 4m to the ground from a ladder while doing air-conditioning maintenance work at a Thomson Road coffeehouse. He suffered spinal and leg injuries, and can no longer work as an air-con mechanic because of his permanent disability.

Hoh Law Corporation lawyer N. Srinivasan has filed two separate lawsuits on their behalf for damages. Both cases are pending.

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