

## ABSTRACT

Employees' compensation is a mandatory insurance provided by the employers to all its employees for statutory employees' compensation on a no-fault basis and common law negligence liability of the employer in Hong Kong. Psychological injuries or occupational disease are all along the identified compensable items, but psychological illness developed after the accident are in grey area and less to be studied. However, there is an increasing trend for the injured workers reported psychiatric injuries for their workers' compensation litigation claims. A joint psychiatric examination will be arranged and conducted by the experts appointed by the claimant and the defendant jointly or separately. This paper hypothesized that claimants who received lower percentage of psychiatric treatments recommended by the independent psychiatric experts would receive higher workers' compensation amount for their statutory and/or common law claims. 29 examination reports were collected, and all the participants worked in construction sites. Workers earned an average salary of HKD22,825.46. The claimants' or the defendants' experts would provide their comments separately in the same report including background of the claimant, previous and current medical conditions, diagnosis, treatments received or recommended future treatments, prognosis of injuries, sick leave period required, permanent impairment, loss of earnings and return to work capacity. All these data were collected including the age, gender, salary and occupation of the claimants. Pearson's product-moment correlation coefficient ( $r$ ) were used and partial correlation will be adopted to control the effect of confounding variables of age, salary and the sick leave granted for the physical injuries. The result showed that there was no significant relationship between the treatment level and the compensation but there was significant relationship for the permanent impairment, loss of earning capacity and psychiatric sick leave to the statutory compensation upon confounding variables were controlled. Early intervention of psychiatric treatments are recommended to