

INTERNATIONAL AND NATIONAL REGULATIONS ON DISABILITY AND WORKERS' COMPENSATION SYSTEMS

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Plan of the presentation

I. International regulations concerning disability management

- 1. The UN Convention on the Rights of Persons with Disabilities was adopted by the United Nations Assembly on 13 December 2006.**
- 2. ILO Convention No. 102 on the Minimum Social Security Standards of 1952, Part VI "Benefits in the Event of Accidents at Work and Occupational Diseases".**
- 3. ILO Convention No. 121 on benefits in the event of accidents at work and occupational diseases, 1964.**
- 4. ILO Recommendation No. 121 on benefits in the event of accidents at work and occupational diseases 1964.**
- 5. ILO Convention No. 159 on vocational rehabilitation and employment of disabled people of 1983.**
- 6. European Social Charter done at Turin on 18 October 1961.**
- 7. European Social Charter (revised), Strasbourg, 3 May 1996.**

ILO Convention No. 121 on benefits in the event of accidents at work and occupational diseases, 1964

- 1. A modern instrument in terms of protection against the consequences of the risk of an accident at work and occupational disease.**
- 2. It requires Member States to establish a definition of an accident at work.**
- 3. In the field of occupational diseases, it proposes three solutions to the Member States:**
 - (a) to establish a list of diseases, comprising at least the diseases listed in Table I annexed to the Convention, to be recognised as occupational diseases under the conditions laid down in national legislation,**
 - (b) to include in national legislation a general definition of occupational diseases, broad enough, including at least the diseases listed in Table I annexed to the Convention,**
 - (c) to establish in national legislation a list of occupational diseases supplemented by a general definition of occupational diseases.**
- 4. As regards the personal scope, it imposes an obligation to cover by the consequences of the risk of an accident at work and occupational disease all employees and other persons, e.g. trainees, and in the event of the death of the breadwinner - the defined groups of eligible persons.**
- 5. As regards the material scope, it imposes an obligation to provide benefits in cash and in kind (a wide catalogue).**

ILO Convention No. 121 on benefits in the event of accidents at work and occupational diseases, 1964

- 6.** In principle, these benefits should be granted from the first day of insurance risk occurrence, without requiring the eligible persons to prove earlier period of employment/insurance.
- 7.** The Convention sets higher amounts of cash benefits in respect of accidents at work and occupational diseases.
- 8.** The period of payment of benefits in respect of accidents at work and occupational diseases (in cash and in kind) should continue throughout the duration of events covered by the protection.
- 9.** Benefits in respect of accidents at work and occupational diseases are not subject to suspension in the event if the eligible persons receive revenues.

ILO Convention No. 159 on vocational rehabilitation and employment of people with disabilities of 1983

- 1.** This instrument contains guidelines for the vocational rehabilitation of the disabled persons.
- 2.** As regards the protection against the consequences of the risk of an accident at work and occupational disease, it focuses on vocational rehabilitation.
- 3.** It promotes the policy of employment for persons with disabilities (building an open labour market for these persons).

ILO Recommendation No. 121 on benefits in the event of accidents at work and occupational diseases of 1964

It contains a postulate to extend the protection against accidents at work and occupational diseases to other events (and other persons) not covered by accident insurance.

The UN Convention on the rights of persons with disabilities was adopted by the UN Assembly on 13 December 2006

The Convention includes the entire catalogue of rights of the disabled persons, including: the right to employment, rehabilitation, appropriate living conditions and social protection, education, health, freedom of movement and citizenship, equality before the law.

European Social Charter and the revised European Social Charter

These instruments emphasise the right of all employees to appropriate, safe and hygienic working conditions. People with disabilities have the right to vocational training, rehabilitation and professional and social re-adaptation, regardless of the cause and type of their disability.

II. Polish regulations

- 1. Act of 30 October 2002 on social insurance in respect of accidents at work and occupational diseases (Journal of Laws of 2018, item 1376 as amended)**
- 2. Act of 30 October 2002 on benefits in respect of accidents at work or occupational diseases which occurred in special circumstances (Journal of Laws of 2013, item 737)**
- 3. Act of 27 August 1997 on vocational and social rehabilitation and employment of disabled persons (Journal of Laws of 2018, item 511, as amended)**
- 4. Act of 27 August 2004 on health care benefits financed from public funds (Journal of Laws of 2018, item 1510 as amended)**
- 5. Act of 13 October 1998 on the social insurance system (Journal of Laws of 2018, item 1669)**
- 6. Act of 25 June 1999 on cash benefits from the social insurance in respect of sickness and maternity (Journal of Laws of 2017, item 1368, as amended)**

Act of 30 October 2002 on social insurance in respect of accidents at work and occupational diseases and other regulations

1. The Act includes the definition of an accident at work.

2. Accidents at work and occupational diseases are covered by accident insurance (accidents on the way to or from work – sickness and disability insurance).

3. The personal scope – persons eligible for benefits in respect of accidents at work and occupational diseases are those covered by accident insurance (employees, self-employed persons) as well as freelancers/contractors.

4. Accident insurance is compulsory, together with old-age and disability insurance (with some exceptions).

5. The material scope: cash benefits in respect of accident at work or occupational disease (Accident Act). The catalogue of benefits includes: sickness allowance, rehabilitation benefit, compensatory allowance, lump-sum compensation, pension in respect of incapacity for work, training pension, survivor's pension, supplement to the survivor's pension, care allowance, coverage of dental treatment costs and provision of orthopaedic appliances.

**Act of 30 October 2002 on social insurance
in respect of accidents at work and occupational diseases and other
regulations**

- 6. The catalogue of health care benefits for victims of accidents at work and occupational diseases is wide. Health care benefits are provided on general principles.**
- 7. Benefits in respect of accidents at work and occupational diseases are due from the first day of incapacity for work caused by an accident at work or occupational disease. This also applies to health care benefits.**
- 8. Benefits in respect of accidents at work and occupational diseases are determined at a higher level than benefits in respect of other types of insurance risk.**
- 9. The payment period of accident insurance benefits varies and depends on the function performed by a given benefit.**

III. Changing labour market: challenges in the area of accidents at work and occupational diseases

- 1. One of the features of the contemporary labour market is the increasing share of atypical forms of employment; such as contracts for specific work, civil law contracts.**
- 2. Changes in labour market due to the impact of new technologies**
- 3. Persons employed under this type of contracts are not covered by accident insurance. It is a challenge for the future**

IV. Prevention of accidents at work and occupational diseases

Polish Social Insurance Institution (ZUS) as a social security institution pays benefits in respect of accidents at work. It also carries out activities aimed at preventing accidents at work and occupational diseases, in particular it:

- a) co-finances activities aimed to maintain the capacity for work,**
- b) analyses the causes and effects of accidents at work and occupational diseases,**
- c) disseminates knowledge about the accidents at work and occupational diseases and means of prevention;**
- d) carries out scientific and research work in this area.**

V. Co-financing the prevention activities

Starting from 2013, Polish Social Insurance Institution (ZUS) has been co-financing contribution payers' activities aimed to improve safety and health at work.

This programme is an effective tool in reducing the number of accidents at work and follows the slogan:

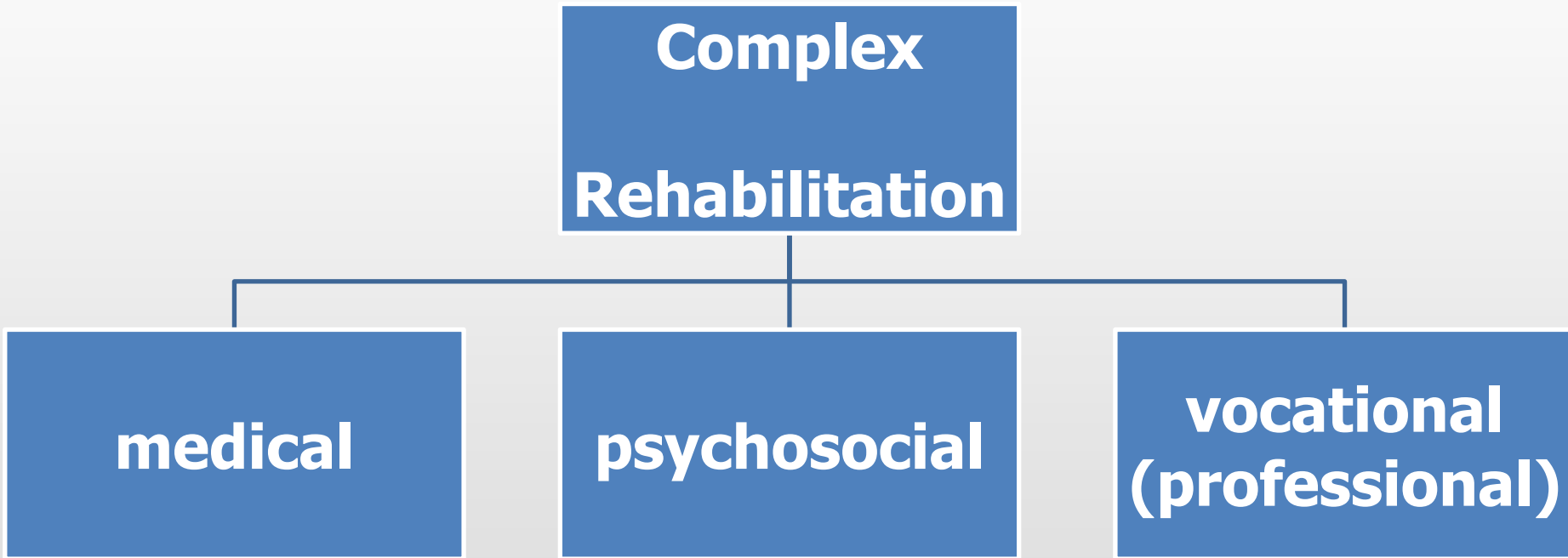
'prevention better than rehabilitation'

VI. New Project: *Complex Rehabilitation*

specialists in rehabilitation management

- 1.** In 2018–2022, Polish Social Insurance Institution (ZUS, in cooperation with other institutions) is implementing projects co-financed from the European Funds – under PO WER: *Development and pilot implementation of a comprehensive rehabilitation model allowing to take up employment or to return to work*. Its main goal is to develop and test an efficient, optimal (in social and financial terms) model of rehabilitation and vocational activation. The model assumes parallel conduct of medical, psychosocial and vocational rehabilitation.
- 2.** As the final result of the programme, its participants should take up employment and stay on the labour market.
- 3.** The project provides for covering 600 persons by the programme within 3 years. After this period, results, conclusions and recommendations as well as the final model of the comprehensive rehabilitation will be developed.
- 4.** The systemic and legal changes will also be proposed in order to finance and introduce this solution by the Polish social security system. ¹²

VI. New Project: *Complex Rehabilitation*; specialists in rehabilitation management



VI. New Project: *Complex Rehabilitation;* specialists in rehabilitation management

1. In the years 2017–2020, Polish Social Insurance Institution ZUS (in cooperation with the German accident insurance institution – DGUV, as well as with the Warsaw University, Wroclaw University, Medical University of Gdańsk and Medical University in Lublin) is implementing the project co-financed from the European Funds – as part of PO WER

Implementation of a new model of education for specialists in rehabilitation management – as part of a comprehensive rehabilitation system in Poland

2. The aim of the project is to develop a model of education for a comprehensive rehabilitation specialist who will manage the rehabilitation process. Such a specialist will have the knowledge (after postgraduate studies) and the ability to coordinate the comprehensive rehabilitation process, in accordance with the medical diagnosis and the resulting needs for treatment and improvement and for adaptation to an appropriate workplace. He/she will cooperate with other institutions in this process.

VII. New Project: Electronic medical certificates (e-ZLA)

- 1. Starting from 1 December 2018, only electronic medical certificates (e-ZLA) will be issued in Poland. They will be recorded in the central register.**
- 2. Advantages for Social Security Institution (ZUS): savings in the Social Insurance Fund thanks to 'sealing' the system of sick leaves and controlling the legitimacy of medical certificates.**
- 3. Advantages for the contribution payer: prompt information about the medical certificate; ability to control the employee's sick leave.**
- 4. Advantages for the person insured: the employee is not obliged to provide the employer with a paper certificate.**
- 5. Advantages for the doctor: less time required to issue medical certificates and other documents; automatic collection of data about the patient; less errors in issuing the medical certificates.**

VIII. Conclusion – “Return to work”

- 1. Legal protection of the labour market covers many areas. Starting from the basic regulations protecting the employment relationship and ending with the laws protecting the employee against the risk of an accident at work or occupational disease.**
- 2. International regulations concerning the protection against the effects of disability are very well developed and provide a legal basis for national regulations (primarily Convention No. 121).**
- 3. Polish legislation is broad, modern, and meets numerous requirements of ILO conventions.**
- 4. There have been developed the methods of anticipation of accidents at work and occupational diseases, and of elimination of the consequences of these phenomena.**
- 5. There is a need for a comprehensive rehabilitation model, which is currently being developed in Poland. The Social Insurance Institution is the main institution with extensive experience in this field.**

Thank you for your attention!