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Occupational Risks Insurance in **Poland**

1. Main characteristics of the Polish occupational risks insurance system

The occupational risks insurance has an ancient origin. It was already in existence when the Social Insurance Institution (*Zakład Ubezpieczeń Społecznych - ZUS*) was created in 1934 by the merger of five insurance agencies of which one was an insurance fund against occupational risks¹. The social insurance system includes: an old-age pension insurance, a disability and survivor's pension insurance, a sickness insurance and an occupational risks insurance.

Today, the right to safe and good working conditions is guaranteed by the Constitution of the Republic of Poland. The current legislation governing health and safety at work was established in 1984 and 1998 and is also based on more recent legislation established in 2002 and 2004. Section X of the Labour Code deals with health and safety at work, Section VII regulates the employment of women and Section IX codifies the protection of young people at work.

The supervision and control of the insurance system is the duty of the Parliament and the government but also of the National Labour Inspectorate, the National Health Inspectorate, the Technical Inspection Office and the justice. The National Labour Inspectorate is overseen by the Labour Protection Council.

The occupational risks insurance is a compulsory social insurance financed by employers' contributions. This system covers the active labour force and provides benefits in kind and cash benefits related to wages.

Employed and self-employed are mandatorily insured. Employers, members of the clergy, politicians, unemployed persons and working prisoners are also covered. Special arrangements are in place for independent farmers, the military and police forces.

There is no voluntary insurance system.

¹ <http://www.zus.pl/default.asp?p=1&id=1442>

Accidents at work and occupational diseases are insured.

The accident at work is defined as any damage sustained during a professional activity or an activity related to a professional activity. Since 2003, commuting accidents are not covered by the insurance against occupational risks but by the disability and the sickness insurances. There is no available statistics on commuting accidents.

There is a list of occupational diseases but there is no complementary list. The occupational list was updated by the Governmental Resolution of 18 November 1983. The recognition procedure of an occupational disease specifies that the notification must be filled by the State health inspectors who then send it to the National Register of Occupational Diseases (*Centralny Rejestr Chorób Zawadowych*) which is managed by the Nofer Institute located in Lodz.

The National Institute of Statistics (*Główny Urząd Statystyczny - GUS*) is responsible for the publication of occupational accidents statistics². Nofer Institute is in charge of the publication of occupational diseases statistics³.

Main actors

One of the main actors of the social security system is ZUS. The Institution is divided into regional services, responsible for sickness and maternity cash benefits, old age pensions, disability, survivors, accidents at work and occupational diseases benefits. The Institution collects all social security contributions and transfers the means to the responsible organizations including private pension funds. ZUS is in charge of the benefits' payment as well as the prevention of occupational risks.

² <http://stat.gov.pl/en/intrastat/>

³ http://www.imp.lodz.pl/home_en/dep/department_of_environmental_epidemiology/central_register_of_occupational_diseases/

For its part, the Central Institute for Labour Protection (*Centralny Instytut Ochrony Pracy - CIOP*), which is a public research organization, is in charge of conducting studies in the field of health and safety at work⁴.

The National Labour Inspectorate (*Państwowa Inspekcja Pracy - PIP*) was established by the Act of 13 April 2007⁵. It is supervised by the Parliament and the Labour Protection Council. Among other tasks, the Inspectorate is in charge of monitoring the implementation of the health and safety regulations and investigating the causes and circumstances of accidents at work⁶. Occupational diseases are also investigated. The Inspectorate is also in charge of monitoring the occupational injuries prevention.

Benefits

For victims of accidents at work and occupational diseases, benefits are granted from the first day out of work. There is no need for a minimum insurance period. The temporary and permanent disability benefits are the responsibility of the accident insurance while benefits in kind are taken in charge by the sickness insurance.

Benefits in kind

Health care in the case of an accident at work or an occupational disease is provided at no cost in the same conditions as the sickness insurance benefits in kind.

When some costs are not fully taken in charge by the statutory sickness insurance (for instance dentures or vaccinations expenses), the victim may get the full refund of these expenses from ZUS.

Temporary disability

In case of a temporary disability caused by an accident at work or an occupational disease, a sickness allowance (*zasilek chorobowy*) amounting to 100 % of the sickness insurance reference salary is paid. It is paid regardless of the previous period of employment of the worker. The allowance is paid for a maximum period of

6 months (up to 9 months in case of tuberculosis).

Beyond the first 6 or 9 months for employees who can't resume their professional activity, the daily temporary benefits may be replaced by a rehabilitation benefit (*świadczenie rehabilitacyjne*) amounting to 100 % of the sickness insurance reference salary.

The victim is entitled to a compensation benefit (*zasilek wyrównawczy*) allocated for up to 24 months when his/her earnings declined because of the professional retraining or if the victim has been shifted to a different job because of health problems. The allowance's amount pays for the difference between the reference wage and a theoretical salary for a position with equivalent qualifications.

Permanent disability pensions

The pension's amount (*renta z tytułu niezdolności do pracy*) is calculated in the same way as the pension paid under the disability insurance, taking into account the following specific features:

- The recognition of the right to a pension because of an accident at work or an occupational disease is not subject to a specific period of employment. The pension will be granted even if the injury occurred on the occasion of the first job, the first day and the first hour of work.
- In case of a permanent partial disability, the amount of the pension will not be less than 60% of the calculation basis.
- In case of a total permanent disability, the amount of the pension will not be less than 80% of the calculation basis.
- The amount of the pension will not be less than 120% of the minimum disability pension.

The amount of the permanent disability pension will not be lower than PLN 997.38 (€ 230) in case of total work disability and to PLN 765.50 (€ 177) in case of partial work incapacity (data for July 2013).

A training pension (*renta szkoleniowa*) is also available. It is paid to victims for whom the need for a retraining is considered as necessary because of the

⁴ <http://www.ciop.pl/CIOPPortalWAR/appmanager/ciop/en>

⁵ <http://www.pip.gov.pl/en>

⁶ In 2011, 2,370 accidents at work were investigated.

inability to perform the previous activity as a result of an occupational injury. Minima of the permanent disability pension apply to pension training.

Permanent disability may also be compensated by a single lump sum (*jednorazowe odszkodowanie*).

Funding

Funding is provided by the contributions paid by the employers and by self-employed.

For employees, funding is the sole responsibility of the employer. The contribution rate takes into account the risk observed in the company. On 1 January 2014, the rate ranged from 0.67% to 3.86% depending on the risk level of the branch which the company belongs to. Employer contributions are calculated on the total gross salary without ceiling limit.

For self-employed, the rate is 1.67% of the declared earnings (1 January 2014). This amount must exceed either by 60% the estimated average monthly salary or must exceed by 30% the national minimum wage for the first 24 months following the start of the activity.

In 2014, the minimum wage was of PLN 1,680 or 397 euros (at the exchange rate of 28 of October 2014).

The contribution is calculated to cover the expenses of the coming year. The reference year begins on 1 April and ends on 31 March the following year.

A bonus-malus system is in place. When this system was implemented at first on 1 April 2003, the base rate could vary by $\pm 20\%$. The differentiation potential was then increased to $\pm 50\%$ on 1 April 2009. The system takes into account the total number of claims, the number of fatal accidents, the number of serious accidents and the number of employees exposed to hazardous working conditions.

Moreover, if the Labour Inspectorate identifies two consecutive blatant breaches of the health and safety regulations, it may ask ZUS to increase the contribution of the offending company by 100 %. This increase applies the following year. In 2011, the Labour Inspectorate (PIP) observed 91 breaches and thus requested 91 increases among which 67 dealt with the construction sector. ZUS implemented the 91 requests.

Spending

On the basis of expenditure of approximately EUR 1,200 million, the following breakdown can be established:

Depending on the type of risk:

- 51% for accidents at work
- 40% for occupational diseases
- 9% for commuting accidents which occurred before 2003

Depending on the nature of the expenditure:

- 73% for permanent disability pensions
- 13% for payments to eligible persons
- 7% in capital / lump sums
- 6% for temporary disability
- 1% for rehabilitation

2. Statistical data

2-1 Main statistical data

Total population amounted to **38,496** thousands persons on 31 December 2013.

2-1-1 Details about the population aged of 15 and more

	2010	2012	2013
Men	14,823	14,858	14,854
Women	16,133	16,180	16,181
Total	30,955	31,038	31,035
<i>of which the 2013 population of working age¹⁾</i>			22,907

The above table lists the active and inactive persons.

Employed	2010	2012	2013
Men	8,566	8,651	8,686
Women	6,908	6,940	7,027
Total	15,473	15,591	15,713
<i>of which the 2013 population of working age¹⁾</i>			15,234
Unemployed²⁾	2010	2012	2013
Men	881	900	873
Women	769	850	827
Total	1,650	1,749	1,700
<i>of which the 2013 population of working age¹⁾</i>			1 683
Active persons	2010	2012	2013
Men	9,446	9,551	9,559
Women	7,677	7,789	7,854
Total	17,123	17,340	17,414
<i>of which the 2013 population of working age¹⁾</i>			16,917

Active persons are those who are employed and unemployed.

Inactive	2010	2012	2013
Men	5,376	5,307	5,295
Women	8,456	8,391	8,326
Total	13,832	13,698	13,621
<i>of which the 2013 population of working age¹⁾</i>			5,990

The above table lists the persons who are not employed or unemployed.

Source: LFS data – annual average in thousands – persons 15 years old and more – GUS- Concise Statistical Yearbook of Poland 2014 – pages 137-146

2-1-2 Number of insured workers

Trend of the total number of insured workers	2008	2009	2010	2011	2012	2013
	14,512.7	14,535.0	14,656.5	14,666.1	14,609.9	14,519.8

The above table gives the trend of the total number of workers from the private and public sectors who are insured against occupational injuries, disability and old age.

Notes:

- 1) By population of working age, one must understand men between 18 and 64 and women between 18 and 59.
- 2) Age of the unemployed persons taken into account ranges from 15 to 74 years old according to the Eurostat recommendations.

2-2 Accidents at work

2-2-1 Accidents at work – private and public sectors

Year	mild	serious	fatal	total	of which women	of which men	rate of accidents	rate of fatal accidents
2006	93,993	976	493	95,462	26,737	68,725	8.87	0.046
2007	97,717	975	479	99,171	27,582	71,589	8.82	0.043
2008	102,982	900	520	104,402	29,717	74,685	8.96	0.045
2009	85,866	780	406	87,052	26,291	60,761	7.47	0.035
2010	93,116	645	446	94,207	29,656	64,551	8.15	0.039
2011	96,115	703	404	97,222	31,408	65,814	8.34	0.035
2012	90,023	627	350	91,000	30,386	60,614	7.78	0.030

A serious accident is an accident which results in serious bodily harm, i.e. loss of sight, hearing, speech, fertility, or which results in other bodily harm or in health-related problems, disrupting primary bodily functions, as well as accidents resulting in incurable and life-threatening diseases, permanent mental illness, a permanent, total or significant inability to work in the profession or in a permanent significant disfigurement or body impairment. Mild accidents are all other ones except for the fatal and serious accidents.

Reference population used for the rates calculation is the total number of employed persons minus those employed in private farms and civilian employees of the armed forces and public security bodies.

2-2-2 Accidents at work of the private sector

Year	mild	serious	fatal	Total
2006	63,722	809	378	64,909
2007	68,682	815	373	69,870
2008	73,893	748	416	75,057
2009	59,262	611	312	60,185
2010	64,403	545	344	65,292
2011	67,978	582	324	68,884
2012	63,423	531	272	64,226

2-2-3 Accidents at work of the public sector

Year	mild	serious	fatal	Total
2006	30,271	167	115	30,553
2007	29,035	160	106	29,301
2008	29,089	152	104	29,345
2009	26,604	169	94	26,867
2010	28,713	100	102	28,915
2011	28,137	121	80	28,338
2012	26,424	272	78	26,774

Tables 2-2-1, 2-2-2 and 2-2-3 provide data for every reported accident regardless the number of days of disability.

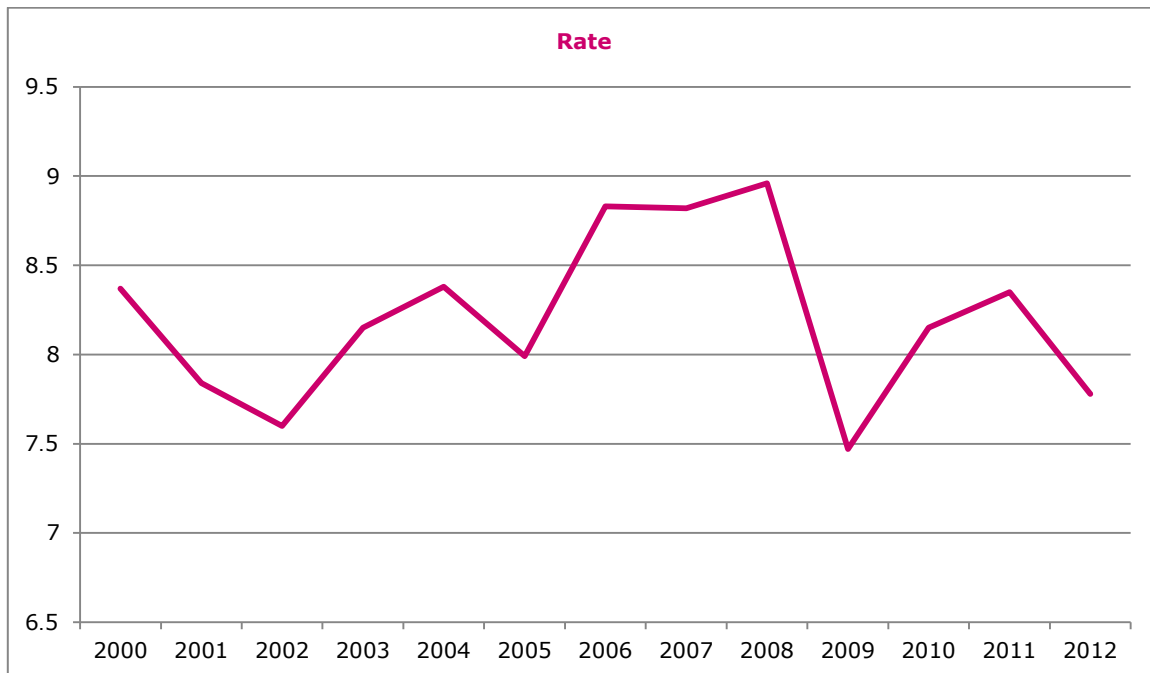
2-2-4 Accidents at work with more than three days lost (non-fatal) – Private and public sectors – All NACE sectors

Year	Total
2008	96,318
2009	79,546
2010	85,825
2011	87,741
2012	86,745

2-2-5 Trend from 2000 till 2012 of the total number of accidents at work – private and public sectors



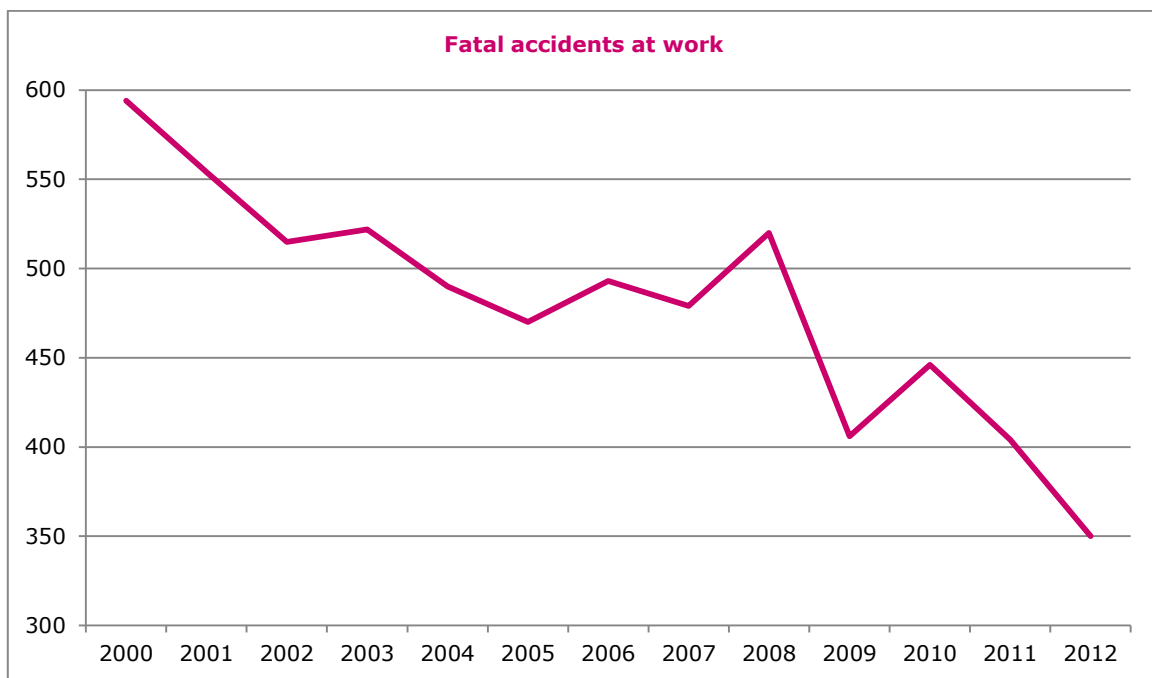
2-2-6 Trend from 2000 till 2012 of the frequency rate (per thousand workers) – private and public sectors



2-2-7 Trend from 2000 till 2012 of the number of serious accidents – private and public sectors



2-2-8 Trend from 2000 to 2012 of the number of fatal accidents – private and public sectors



Source: GUS – Główny Urząd Statystyczny – Central Statistical office

2-3 Occupational diseases

2-3-1 Occupational diseases – 2000–2013 data

Year	Number of cases			Rate per 100,000 workers		
	Total	men	women	Total	men	women
2000	7,339	3,965	3,374	73.9	77.0	70.3
2001	6,007	3,516	2,491	63.2	72.1	53.8
2002	4,915	2,972	1,943	53.6	63.5	43.3
2003	4,365	2,654	1,711	46.6	54.5	38.0
2004	3,790	2,306	1,484	41.0	47.7	33.6
2005	3,249	2,021	1,228	34.8	40.9	27.8
2006	3,129	1,855	1,274	32.8	36.8	28.3
2007	3,285	1,889	1,396	33.5	36.3	30.3
2008	3,546	2,075	1,471	34.7	38.4	30.6
2009	3,146	1,906	1,240	29.9	34.1	25.1
2010	2,933	1,990	943	28.3	36.4	19.2
2011	2,562	1,791	771	24.6	32.7	15.6
2012	2,402	1,601	801	23.0	29.2	16.2
2013	2,214	1,458	756	21.4	27.2	15.2

2-3-2 Occupational diseases per syndrome – 2013 data

Syndrome	Number of cases	Rate per 100,000 workers
Total	2,214	21.4
1 Acute and chronic intoxications and their sequels	8	0.1
2 Metallic fever	0	0
3 Pneumoconioses	577	5.6
4 Diseases of pleura or pericardium induced by asbestos dust	26	0.3
5 Chronic obstructive bronchitis	8	0.1
6 Bronchial asthma	50	0.5
7 Extrinsic allergic alveolitis	32	0.3
8 Acute general allergic reactions	2	0
9 Byssinosis	0	0
10 Berylliosis	0	0
11 Lung diseases induced by hard metals dust	0	0
12 Allergic rhinitis	37	0.4
13 Oedematous laryngitis induced by allergy	0	0
14 Nasal septum perforation	1	0
15 Chronic voice disorders	234	2.3
16 Diseases caused by ionizing radiation	0	0
17 Malignant neoplasms	80	0.8
18 Skin diseases	66	0.6
19 Chronic diseases of locomotor system	86	0.8
20 Chronic diseases of peripheral nervous system	180	1.7
21 Hearing loss	187	1.8
22 Vibration syndrome	36	0.3
23 Diseases induced by work under increased atmospheric pressure	0	0
24 Diseases induced by high or low temperature of environment	0	0
25 Diseases of visual system	14	0.1
26 Infectious and parasitic diseases and their sequels	590	5.7

2-3-3 Occupational diseases per NACE branch – 2013 data

Section		Number of cases	Rate per 100,000 workers
Total		2,214	21.4
A	Agriculture, hunting, forestry and fishing	499	356.1 ^(*)
B	Mining and quarrying	472	273.5
C	Manufacturing	585	26.1
D	Electricity, gas, steam and air conditioning supply	9	6.3
E	Water supply; sewerage, waste management and remediation activities	5	3.6
F	Construction	88	13.1
G	Trade; repair of motor vehicles	37	2.2
H	Transportation and storage	23	3.8
I	Accommodation and catering	3	1.5
J	Information and communication	2	1.0
K	Financial and insurance activities	3	1.0
L	Real estate activities	6	3.5
M	Professional, scientific and technical activities	16	4.4
N	Administrative and support service activities	8	2.1
O	Public administration and defence; compulsory social security	19	2.0
P	Education	243	23.0
Q	Human Health and social work activities	162	23.8
R	Arts, entertainment and recreation	10	7.4
S	Other service activities	21	17.6
U	Enterprise division abroad	3	X

^(*) This high rate may be explained by the specific definition given to the concept of employment within the farming sector while these statistics were computed. When using a definition similar to the one given to the other sectors a more realistic rate of 26.7 has been computed.

X: No data about the number of workers

Source: Nofer Institute - Lodz

www.eurogip.fr



Founded in 1991, EUROGIP is a French organization, whose activities are organized around five areas: enquiries, projects, information-communication, standardization and coordination of notified bodies. All have in common European aspects of the insurance or the prevention of accidents at work and occupational diseases.

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