



Ministerstwo Rodziny,  
Pracy i Polityki Społecznej

# **THE EXTENSION OF BENEFITS IN RESPECT OF ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES TO PEOPLE WORKING UNDER CIVIL-LAW CONTRACTS IN POLAND**

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## General principles in the Polish social security system

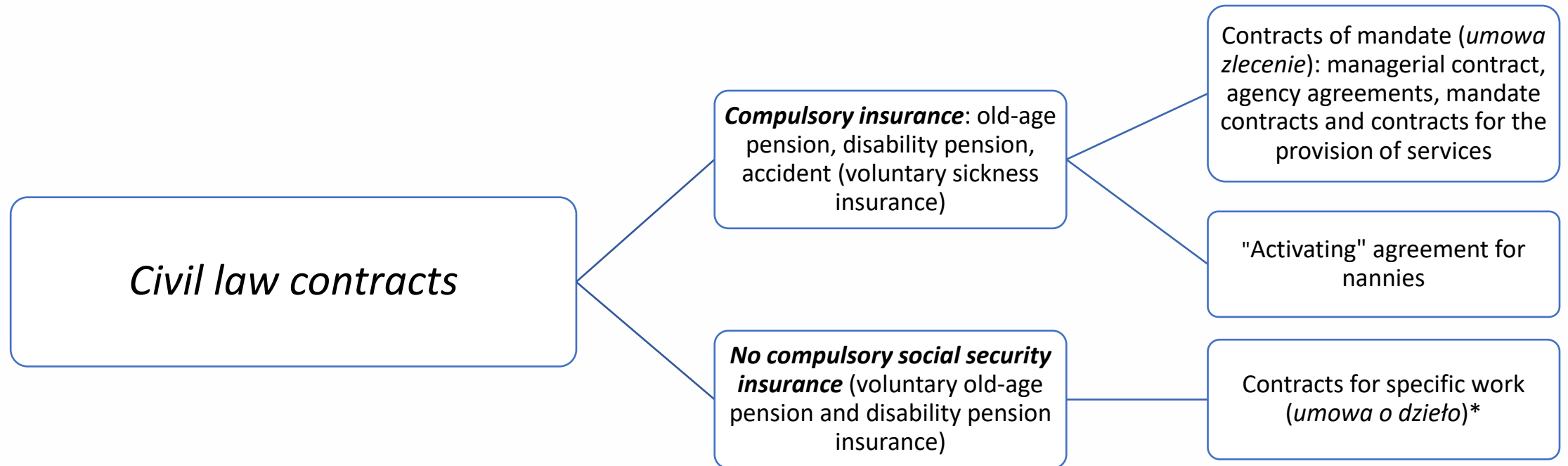
An insured person is a person who is subject to at least one of the following social insurances: old-age pension, disability pension, sickness, accident: **voluntarily** or **compulsorily**.

Persons who are compulsorily subject to old-age pension and disability pension insurance are **obligatorily subject** to accident insurance. **It is not possible to voluntarily join the accident insurance.**

Voluntary sickness insurance **only for selected professional activities**, applies to persons covered by compulsory old-age pension and disability pension insurance.



## Civil law contracts and social insurance in Poland





## Characteristics of social insurance in Poland – contracts of mandate

- compulsory old-age pension and disability pension insurance applies to employees, i.e. persons who are in an employment relationship and perform work on the basis of an agency agreement, mandate or other contract for the provision of services, to which, in accordance with the Civil Code, the provisions on a contract of mandate or contract for specific work apply – if they have concluded such an agreement with an employer with whom they are in an employment relationship;
- accident insurance is **mandatory**;
- sickness insurance is **voluntary**. Joining the voluntary sickness insurance applies to persons who are compulsorily covered by old-age pension and disability pension insurance;
- health insurance is **mandatory**;
- these rules also apply to „activating” agreement for nannies



## Benefits from compulsory accident insurance – contracts of mandate

No waiting period, the right to benefits is from the 1st day of insurance

- ***sickness allowances in respect of incapacity for work due to accident at work or occupational disease*** (100%) - is granted regardless of the period of being covered by this insurance. Unlike sickness insurance, there is no waiting period. It is granted from the first day of incapacity for work caused by an accident at work or an occupational disease
- ***rehabilitation benefit*** (100%) - is granted to a person who is covered by sickness insurance and has already used up the entire sickness allowance, but is still incapable of work due to accident at work or occupational disease.
- ***lump-sum compensations*** (PLN 1,133 for each per cent of permanent or long-term bodily injury) - in respect of an accident at work is due to an insured person who has suffered permanent or long-term injury as a result of accident at work or occupational disease. **The permanent bodily injury** refers to such a disturbance of the body condition which results in an impairment of body functions and excludes improvement of the patient's health condition. In turn, **the long-term bodily injury** is such a disturbance of the body condition which results in an impairment of body functions for over 6 months. After this time, the improvement of a patient's health condition is possible.



## Benefits from compulsory accident insurance – contracts of mandate

- **accidents pension** - the right to disability pension due to accident at work or occupational disease is granted irrespective of the duration of accident insurance period and irrespective of the date of occurrence of this incapacity. The amount of pension in respect of accident at work or occupational disease is calculated as the amount of the disability pension. **However, it cannot be lower than: 60%** of the pension assessment basis – for a person partly incapable of work, **80%** of the pension assessment basis – for a person completely incapable of work, **100%** of the pension assessment basis – for a person eligible for the training pension.
- **training pension** (100%) - is granted to a person who fulfils the conditions required for the award of the disability pension if ZUS certifying doctor or ZUS medical board has stated that he/she should retrain because he/she is incapable of work in current occupation. The training pension is usually granted for 6 months. However, this period may be shortened or extended (max. 30 months).



## Characteristics of social insurance in Poland – contracts for specific work

- compulsory old-age pension and disability pension insurance applies to employees, i.e. persons performing contracts for specific work – if they have concluded such a contract with an employer with whom they have an employment relationship;
- independent performance of a contract for specific work **does not constitute a right to compulsory social insurance**;
- a person performing a contract for specific work **may voluntarily join only** the following insurances: **old-age pension** and **disability pension insurance**;
- health insurance **is voluntary** - in order to be covered by voluntary health insurance, need to pay an additional fee. The amount of this fee depends on the length of the break in health insurance and the payment of premiums. In justified cases, at the request of the interested party, it is possible to apply for an exemption or payment of the additional fee in instalments;
- **inability to join voluntary sickness insurance and compulsory accident insurance.**



## Why is a contract for specific work non-contributory?

### *Contracts of mandate*

- **the subject of a mandate contract is an obligation to perform specific activities (a series of repetitive activities) regardless of the result of this activity (a characteristic feature of mandate contracts)**
- a contract of diligence
- as a rule, it is carried out in person
- lack of subordination
- the risk is borne by both parties

### *Contracts for specific work*

- **the subject of a specific task contract is the obligation to perform a specific work understood as the achievement of a specific, individualized result in a tangible or intangible form**
- results agreement
- does not have to be done in person
- lack of subordination
- the risk is borne by the contractor

- contracts for specific work are non-contributory, and their number is estimated on the basis of a specially created register of contracts for specific work, kept by the ZUS - Social Insurance Institution (ZUS RUD);
- a contract for specific work is **not the main source of income, it is an additional form of earning money on a small scale;**
- the number of persons performing specific task contracts in 2022 amounted to **342.6 thousand, of which only 1417 (0.41% of all persons reporting specific task contracts to the register of ZUS) were not subject to social insurance for any other reason** (they performed only a specific work contract).





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**Thank you for your attention**