

SICKNESS, ACCIDENT, AND MATERNITY INSURANCE FOR FARMERS: A NEED FOR CHANGE

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Abstract

The aim of the study is to present the subjective and objective aspects of sickness, accident, and maternity insurance for farmers. The study deals with the income and expenses of the Contribution Fund and their correlation with the amount of benefits paid. The study uses financial analysis methods, descriptive analysis methods, and logical inference. Results are presented in tabular form.

Between 2009 and 2019, there was a decrease in the number of insured persons. The Contribution Fund has been increasingly financing tasks indirectly related to sickness, accident, and maternity insurance. The conducted assessment shows that the currently existing legal regulations concerning the first pillar of insurance risks by the Agricultural Social Insurance Fund (KRUS), i.e., sickness, accident, and maternity risks, specified in the Farmers' Social Insurance Act, have become obsolete and require changes. The definition of an accident at work in agriculture requires a new regulation. It is about extending the scope of agricultural activity to include activities related to the processing of agricultural raw materials, provision of services, supervision and protection of property, and conducting non-agricultural business activities.

Keywords: agricultural insurance, social insurance, sickness insurance, accident insurance, maternity insurance.

JEL codes: H55, I13, G52, Q14.

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Introduction

The provisions of the Farmers' Social Insurance Act of 20 December 1990 divided insurance risks for farmers into two pillars¹. The first one concerns accident, sickness, and maternity risks, while the second one involves retirement and disability risks. The division of the risk groups is accompanied by separate ways of organizing and financing them. The risks included in the first pillar are self-financing and handled by the Contribution Fund. In the further part of the study, the financial situation of the fund will be presented. It will be considered in terms of the amount of benefits paid.

The aim of the study is to present the subjective and objective scope of sickness, accident, and maternity insurance. The study will also refer to the income and expenses of the Contribution Fund and their relation to the amount of benefits paid. The insurance-related activities carried out by the Contribution Fund under Articles 66 and 77 of the Farmers' Social Insurance Act will also be discussed. The study will present comments on the current definition of an accident at work in agriculture. Based on the conducted analysis, proposals for new regulations concerning the material scope of sickness, accident, and maternity insurance are presented. Changes in the organization and management of tasks and finances by the Contribution Fund are also presented.

The following research hypotheses are assumed in the paper:

- From 2009-2019, insurance tasks consisting in the payment of sickness and maternity benefits as well as one-off compensations were financed from payments from the Contribution Fund to a lesser extent.
- The current definition of an accident at work in agriculture does not include activities, such as: supervision and protection of property, processing agricultural products, provision of services and conducting non-agricultural economic activities, and special departments (except beekeeping).

Materials and methods

The study uses the financial data from the Contribution Fund, the Agricultural Social Insurance Fund (KRUS) reports, and legal regulations specified in the Act of 20 December 1990 on the social insurance of farmers, as well as the method of tabular analysis, descriptive analysis, and logical inference.

¹ Journal of Laws No. 174 of 2020.

Results

Subjective scope of sickness, accident, and maternity insurance

Pursuant to Article 7 of the Farmers' Social Insurance Act, this insurance covers the following persons:

- A farmer whose farm covers the utilized agricultural area, land under ponds, wooded land, bushy land over 1 conversion ha or a special department of agricultural production.
- The farmer's household member, i.e., a person who is 16 years of age or older, stays with the farmer in a shared household or lives on the farmer's farm or in close vicinity, constantly works on the farmer's farm and is not related to the farmer by any employment relationship.
- A farmer's assistant, i.e., an adult with whom the farmer concluded a contract on aid with harvesting.

The contract on aid with harvesting concerns hops, fruit, vegetables, tobacco, herbs, and herbal plants, and includes activities such as: collecting hops, fruit, vegetables, tobacco, herbs, or herbal plants, removing unnecessary parts of plants and classification, sorting, preparation for transport, storage, or sale of them. A contract on aid with harvesting should specify the scope and duration of activities performed by the farmer's assistant. Performing the activities, in the light of the provisions, does not constitute employment within the meaning of the Labor Code². Before signing a contract on aid with harvesting, the farmer's assistant makes a declaration on the number of days of work that they will carry out on the farm of a given farmer, as well as other farmers. The total time of providing aid with harvesting by one farmer's assistant may not exceed 180 days in a calendar year³.

Objective scope of sickness, accident, and maternity insurance

The benefits of this type of insurance include:

- One-off compensation for permanent or long-term damage to health or death because of an accident at work in agriculture or due to an occupational disease in agriculture⁴.

The benefit is granted to an insured person who has suffered permanent or long-term health impairment because of an accident at work in agriculture or in connection with an occupational disease in agriculture. This type of support also covers family members of the insured who died because of an accident at work in agriculture or due to an occupational disease in agriculture.

However, family members of the insured are the spouse, own and adopted children, stepchildren, grandchildren, siblings if on the day of the insured's death they fulfilled conditions for receiving the survivor's pension. The insured's family

² Article 91a of the Farmers' Social Insurance Act, Journal of Laws No. 174 of 2020.

³ Article 91 c of the Farmers' Social Insurance Act, Journal of Laws No. 174 of 2020.

⁴ Article 9 of the Farmers' Social Insurance Act, Journal of Laws No. 174 of 2020.

members are also parents, adoptive persons, stepmothers, stepfathers if on the day of the insured's death they ran a common household with the farmer or the insured contributed significantly to their maintenance, or they had the right to maintenance by the insured under a court judgment⁵.

One-off compensation is not due if the insured caused the accident intentionally or through gross negligence, or in a state of sobriety or under the influence of intoxicants or other similar agents. In practice, many problems arise with recognizing an event as an accident at work in agriculture. Pursuant to Article 11⁶, an accident at work in agriculture is a sudden event caused by an external cause, which occurred during the performance of activities related to agricultural activity or related to the performance of them and took place:

1. On a farm ran by the insured person or in which they permanently worked, or on the premises of a household directly related to the farm, or
2. On the way of the insured person from an apartment to the farm, or
3. During the performance of ordinary activities related to agricultural activity outside the farm or in connection with the performance of the activities, or
4. On the way to the place where the activities are performed or on the way back.

To sum up, for a given event to be covered by insurance, the following cumulative circumstances must occur: suddenness, external factor, connection with agricultural work, health impairment and place of occurrence in accordance with points 1, 2, 3, and 4. The definition of an accident in the Farmers' Social Insurance Act refers to activities related to agricultural activity. The activities included in the scope of agricultural activity are settled in Article 6 point 3 of the Farmers' Social Insurance Act. According to it, agricultural activity is understood as an activity related to plant or animal production, including horticulture, fruit farming, beekeeping, and fish production. The existing list of agricultural activities is not logical and complete. It ignores, for example, activities related to special departments of agricultural production, such as: cultivation of mushrooms and mycelium, production of meat, slaughter, and hatching poultry, etc. The list only includes beekeeping production.

What is more, the scope of activities related to agricultural activity is wider. It may include activities related to the processing, sale of agricultural products, supervision and protection of property, provision of services, etc.⁷ Finally, in accordance with the amendment to the Act on April 2, 2004, the insurance also covers farmers who run non-agricultural businesses. If they are insured with the Agricultural Social Insurance Fund and pay contributions for this insurance, activities related to this activity should also be covered by insurance.

Issues related to gross negligence require a new regulation. Gross negligence occurs when the aggrieved party undertakes actions in breach of the provisions on

⁵ Article 10, point 1a of the Farmers' Social Insurance Act, Journal of Laws No. 174 of 2020.

⁶ Article 11 of the Farmers' Social Insurance Act, Journal of Laws No. 174 of 2020.

⁷ Judgment of 23 October 1980, SN III URN40/80 PiZS; 1982/7/55.

health and life protection, although they could and should have foreseen the imminent danger, which is obvious for every person of average caution⁸. This regulation of gross negligence does not suit farm work (Podstawka, 1998). The farmer is not bound by the labor code and thus the regulations on health and safety at work. While performing work, the farmer acts as an employee and an employer (Jagła, 2014). Defining gross negligence by analogy with non-agricultural departments is not possible in the case of agricultural work. It seems that a better solution would be to draw up a list of negligence, situations indicating that the cause of the accident at agricultural work was gross negligence.

The amount of the one-off compensation is proportional to the specified percentage of permanent or long-term health detriment. Since May 17, 2018, the one-off compensation for an accident at work in agriculture or occupational disease in agriculture has amounted to PLN 809 for each percent of health detriment. In the event of a fatal accident, where the deceased's spouse or child is entitled to compensation, the amount has been PLN 80,900.

- The second type of benefit for sickness, accident, and maternity insurance is sickness benefit.

This benefit is granted to an insured person who, due to illness, has been unable to work continuously for at least 30 days. The sickness benefit is granted for no longer than 180 days. After the period has expired, and if the insured person is likely to regain their ability to work, the sickness benefit may be extended, but for a maximum of a further 360 days. This benefit is based on a medical certificate. It is due after a 12-month grace period for a person who has been covered by accident, sickness, and maternity insurance upon request, except for the sickness insurance for an accident at work in agriculture. The sickness benefit is not payable for the period of the insured's stay in health care institutions at the expense of the Agricultural Social Insurance Fund for rehabilitation, after the end of insurance, and for the period of being granted the maternity benefit. Since June 24, 2009, the sickness benefit has amounted to PLN 10 for each day of temporary inability to work continuously for at least 30 days.

- Maternity benefit used to be another insurance benefit until 2016.

Currently, this benefit is paid from the Farmers' Retirement Fund. Since 1 January 2016, the maternity benefit has been granted to a person insured under the law or upon request under accident, sickness, maternity, and retirement and disability insurance, or only in the case of retirement and disability insurance if the person:

- is a mother or father of a child,
- adopted a child up to 7 years of age,
- took a child up to 7 years of age into care,
- took a child up to 7 years of age into care in a foster family.

⁸ Judgment of 23 October 1980, SN III URN40/80 PiZS; 1982/7/55.

Maternity benefit is granted for:

- 52 weeks – if one child is delivered at a single birth,
- 65 weeks – if two children are delivered at a single birth,
- 67 weeks – if three children are delivered at a single birth,
- 69 weeks – if four children are delivered at a single birth,
- 71 weeks – if five children are delivered at a single birth.

Since 1 January 2016, the maternity benefit amounts to PLN 1,000 per month⁹.

Contribution Fund and its organizational and financial peculiarities

Sickness, accident, and maternity insurance (until 2016) is covered by the Contribution Fund, the income of which comes from contributions. The fund has its own legal personality. The function of a one-man board is performed by the President of the Agricultural Social Insurance Fund under the supervision of the Farmers' Council. The Farmers' Council performs a supervisory function by a Supervisory Board elected from among its members. Formally, the Contribution Fund is an organizational and legal entity separate from the Agricultural Social Insurance Fund, it has a separate legal status as a legal entity of the foundation type (Czechowski, 2001).

As mentioned, the Contribution Fund is a self-financing body, however, it is the Farmers' Council that decides about the amount of contributions, and the Minister of Agriculture and Rural Development who decides about the amount of benefits, following the opinion of the Farmers' Council. It seems that this institutionally differentiated duality of responsibility for contributions and benefits is a flawed solution from the point of view of rational property and financial management. It would be reasonable to entrust all decisions related to the Contributory Fund exclusively to the Farmers' Council. However, the Minister of Agriculture and Rural Development should have state supervision over the functioning of the Contribution Fund.

Article 66 of the Farmers' Social Insurance Act¹⁰ states that the Agricultural Social Insurance Fund may initiate and support the development of insurance for farmers and their family members, provided by mutual insurance undertakings. The Agricultural Social Insurance Fund can help in establishing such undertakings and conducting their activities. The scope and principles of granting aid and spending limits are specified by the President of the Agricultural Social Insurance Fund in consultation with the Farmers' Council or at its request. In turn, Article 77a of the Farmers' Social Insurance Act includes a list of public tasks and other activities that may be supported by the Contribution Fund. They include activities for public benefit organizations and related to accident prevention, therapeutic rehabilitation, natural disasters and crisis situations, and occupational programs. Article 77 states that the Contribution Fund may finance shortages of the Administrative Fund as well as the Prevention and Rehabilitation Fund.

⁹ Articles 35a and 35b of the Farmers' Social Insurance Act of 20 December 1990, Journal of Laws No. 174 of 2020.

¹⁰ Journal of Laws No. 174 of 31 July 2020.

What is more, the resources of the Contribution Fund are intended for financing the costs of managing the fund and the costs of operating the Farmers' Council. While the Act stipulates that the costs related to the activities listed in Article 66 may not exceed 1% of the fund's planned expenditure in each year, the remaining funds are not specified. This makes the situation not very transparent¹¹. In the past, a lot of different types of activities of the Contribution Fund related to, inter alia, the purchase of shares in TUW in Warsaw, Polska Kasa Rolna S.A., Bank Rolno-Przemysłowy S.A., Centrum Rozwoju Systemów Medycznych S.A. were questioned by the audit of the Supreme Audit Office (Jagła, 2014).

Table 1

*Finance of the Farmers' Social Insurance Contribution Fund from 2009-2019
(PLN thousand)*

Year	Revenue from contributions receivable	Expenditure of the Farmers' Social Insurance Contribution Fund on benefits from accident, sickness, and maternity insurance		
		Sickness benefits	Maternity benefits	One-off accident compensation
2009	542,764.8	362,976.7	98,463.1	61,003.5
2010	601,879.6	393,106.4	99,422.1	58,159.8
2011	703,289.1	397,120.2	96,392.1	59,535.9
2012	720,967.1	400,866.4	100,236.8	69,830.6
2013	702,703.5	409,951.5	97,754.9	74,453.4
2014	688,793.1	403,487.0	95,599.0	76,290.7
2015	689,795.7	392,640.5	101,424.4	71,813.4
2016	668,118.3	366,622.8	-	69,236.5
2017	648,646.7	341,305.3	-	66,407.0
2018	621,914.2	305,673.9	-	69,221.9
2019	605,189.7	270,775.3	-	63,429.7

Source: data from the Agricultural Social Insurance Fund.

The tasks listed in Article 77, supported by the Contribution Fund, are important and useful in social and insurance terms. However, they should also, like those mentioned in Article 66, be limited level of financing in relation to revenues. The above-mentioned problems of the Contribution Fund related to the organization, supervision, and management, regulated by the Farmers' Social Insurance Act of 20 December 1990, indicate the need for changes. An interesting issue is the relationship between the financial situation and the amount of benefits paid. Relevant information is presented in Table 1. In the light of the data, we can observe a changing situation as regards revenue from contributions from the insured farmers. They depend on the number of contributors, rates, and the degree of collection.

¹¹ For example, revenue from benefits related to the operating costs of an open retirement fund. Between 1999 and 2011, it amounted to 7% of the contributions collected for management.

In the analyzed years, revenue from contributions ranged from PLN 542 million in 2009 to PLN 720 million in 2012. In 2019, they amounted to more than PLN 605 million. As for the contribution, in the first quarter of 2009 it was PLN 26 per month for an insured, and in the first quarter of 2019 the amount was PLN 42 per month. This is an increase of more than 161%¹². However, it does not translate into an increase in the income of the Contribution Fund. Hence, the conclusion that from 2009-2019 there was a decrease in the number of the insured. In 2009, there were 1,550 billion payers of contributions, while in 2019 slightly over 1,200 billion¹³. As for the expenditure of the Contribution Fund, the data presented in Table 1 refers to the expenditure related to the payment of benefits. There is no information on the involvement of the fund's resources specified in Articles 66 and 77. Table 2 indirectly determines the amount of expenses related to the benefits. The information specified in the table shows that the Contribution Fund, over the years, has been increasingly financing tasks indirectly related to sickness, accident, and maternity insurance.

Table 2

Income and expenditure of the Contribution Fund from 2009-2019 (PLN thousand)

Year	Revenue from contributions	Expenditure on benefits			Total payments for benefits	Difference between revenue and expenditure
		Sickness benefits	One-off compensation	Maternity benefits		
2009	542,764.8	362,976.7	61,003.5	98,463.1	522,443.3	20,321.5
2010	601,879.6	393,106.4	58,159.8	99,422.1	550,688.3	51,191.3
2011	703,289.1	397,120.2	59,535.9	96,392.1	553,048.2	150,240.9
2012	720,967.1	400,866.4	69,830.6	100,236.8	570,933.8	150,033.3
2013	702,703.5	409,951.5	74,453.4	97,754.9	582,159.8	120,543.7
2014	688,793.1	403,487.0	76,290.7	95,599.0	575,376.7	113,416.4
2015	689,795.7	392,640.5	71,813.4	101,424.4	565,878.3	123,917.4
2016	668,118.3	366,622.8	69,236.5	-	435,859.3	232,259.0
2017	648,646.7	341,305.3	66,407.0	-	407,712.3	240,934.4
2018	621,914.2	305,673.9	69,221.9	-	374,895.8	247,018.4
2019	605,189.7	270,775.3	63,429.7	-	334,205.0	270,984.7

Source: data from the Agricultural Social Insurance Fund.

¹² www.krus.gov.pl.

¹³ Agricultural Social Insurance Fund, 2019, p. 13.

Another reason for it was the fact that since 2016 maternity benefits have been paid from the Farmers' Retirement and Disability Fund. Therefore, payments from the Contribution Fund have been financing insurance tasks to a lesser and lesser extent.

In recent years (2016-2019), payments from the Contribution Fund for these purposes accounted for 96 to 55% of revenues from contributions, respectively. The data provided indicates the need for changing the organizational and financial rules of the Contribution Fund. The current legal regulations allow for financing tasks indirectly related to insurance from the funds from contributions. The information presented in Table 2 and the conclusions which can be drawn from it enable a positive verification of the first hypothesis.

In this situation, the amount of the sickness benefit has not been changed since 2009 and amounts to PLN 10 per day of incapacity for work due to illness. The purpose of the sickness benefit is to compensate the costs of employing another person on a farm in the event of the insured farmer's incapacity for work. It is not necessary to take scientific evidence to conclude that the benefit is not serving its purpose. The insured farmer is not able to hire another person for PLN 10 a day.

The situation is slightly more favorable when it comes to one-off compensation for permanent or long-term health detriment. The current value of this benefit is PLN 809 for each percent of health detriment¹⁴. In 2009, the amount of PLN 550 was paid for each percent of health detriment¹⁵. In this case, there was a nearly 150% increase in this benefit. Therefore, the second hypothesis is only partially positively verified.

There is no correlation between the amount of sickness benefit paid and the income situation of the Contributory Fund. On the other hand, we can observe this correlation between one-off compensation for 1% of health detriment. However, the compensation in the Agricultural Social Insurance Fund for 1% of the detriment is lower than in the Social Insurance Institution, where it amounts to 20% of the average wage in the national economy. It seems that compensation for health detriment in the Agricultural Social Insurance Fund should be similar.

Conclusions

The study presents comments on the first pillar of the Agricultural Social Insurance Fund insurance risks, i.e., sickness, accident, and maternity risks. The conducted assessment shows that the currently existing legal regulations concerning them, specified in the Farmers' Social Insurance Act, have become obsolete. They require changes. The definition of an accident at work in agriculture requires a new regulation. It is about extending the scope of agricultural activity to include activities related to the processing of agricultural raw materials, provision of services,

¹⁴ Regulation of the Minister of Agriculture and Rural Development of April 12, 2018 (Journal of Laws of 2018, item 827).

¹⁵ Journal of Laws 98, item 652 of 2008.

supervision and protection of property, and non-agricultural business activities. The definition of agricultural activity should also include those activities that relate to special departments of agricultural production.

The scope of activities listed in Article 77 of the Farmers' Social Insurance Act should be reduced by the limit of expenditure from the Contribution Fund. This will allow for increasing the sickness and accident insurance benefits paid out. Thus, the Contribution Fund will perform the insurance tasks for which it was established. One-off compensation is related to the income situation of the Contribution Fund. However, there is no such relationship with the amount of sickness benefit paid, the amount of which is PLN 10 per day of illness and has not been changed since 2009. It would be appropriate for the Contribution Fund to be obliged to accumulate reserves, as it is done by insurance undertakings. Developing provisions is justified in the event of intensified random or catastrophic events. When planning the revenue of this fund, it is not always possible to predict its expenses. The experience with COVID-19 clearly demonstrates the need for creating such reserves.

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UBEZPIECZENIA CHOROBY, WYPADKOWE I MACIERZYŃSKIE ROLNIKÓW – POTRZEBA ZMIAN

Abstrakt

Celem opracowania jest przedstawienie zakresu podmiotowego i przedmiotowego ubezpieczenia chorobowego, wypadkowego i macierzyńskiego rolników. Opracowanie odnosi się do dochodów i wydatków Funduszu Składowego i ich korelacji z wysokością wypłacanych świadczeń. W opracowaniu wykorzystano metody analizy finansowej, metody analizy opisowej i logicznego wnioskowania. Wyniki badań przedstawiono w formie tabelarycznej.

Na przestrzeni lat 2009-2019 nastąpił spadek liczby osób ubezpieczonych. Fundusz Składowy, w miarę upływu lat, w coraz większym stopniu finansuje zadania pośrednio związane z ubezpieczeniem chorobowym, wypadkowym i macierzyńskim. Z przeprowadzonej oceny wynika, że aktualnie istniejące regulacje prawne dotyczące I filara ryzyk ubezpieczeniowych KRUS, tj. chorobowych, wypadkowych i macierzyńskich, zawarte w ustawie o ubezpieczeniu społecznym rolników uległy dezaktualizacji i wymagają zmian. Nowego regulowania wymaga definicja wypadku przy pracy rolniczej. Chodzi tu o rozszerzenie zakresu działalności rolniczej o czynności związane z przetwórstwem surowców rolniczych, świadczeniem usług, dozorem i ochroną mienia oraz z prowadzeniem pozarolniczej działalności gospodarczej.

Słowa kluczowe: ubezpieczenia rolne, ubezpieczenia społeczne, ubezpieczenia chorobowe, ubezpieczenia wypadkowe, ubezpieczenia macierzyńskie.

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