

ORDER OF THE COUNCIL OF MINISTERS OF JULY 18, 1968 ON THE
PROVISIONS OF THE BENEFITS PAYABLE IN RESPECT OF INDUSTRIAL
ACCIDENTS ACT BEING EXTENDED TO COVER OCCUPATIONAL
DISEASES

Dziennik Ustaw P.R.L. [Journal of Laws] No. 22 of 1968, item 1945.

Pursuant to Art. 21, item 1 and 2 of the Benefits Payable in Respect of Industrial Accidents Act of Jan. 23, 1968 (Journal of Laws No. 3, item 8) be it enacted as follows:

§ 1. The provisions of the Benefits Payable in Respect of Industrial Accidents Act of Jan. 23, 1968 (Journal of Laws No. 3, item 8), hereinafter referred to as "the Act" shall be applicable to cases in which a temporary incapacity to work, permanent disability or death of the employee were the result of an occupational disease specified in the regulations issued in pursuance of Art. 16.2 and Art. 57.2 of the General Pensions Scheme for Employees and Their Families Act of Jan. 23, 1968 (Journal of Laws No. 3, item 6).

§ 2. 1. The employee who has become a disabled person as a result of an occupational disease and has been assigned to a disablement group is entitled to a disablement pension, the amount of which is specified in Art. 4 and 5 of the Act.

2. If the employee died as a result of an occupational disease, persons who qualify for a family pension pursuant to the regulations quoted in Art. 1.3.2 - 4 of the Act are entitled to a family pension, the amount and conditions of which are specified in Art. 7 and 8 of the Act.

§ 3. The employee who — as a result of an occupational disease — has become temporarily incapable to work is entitled to supplements to sickness benefits, the amount of which and conditions are specified in Art. 9 and 10 of the Act.

§ 4. 1. The single compensation specified in Art. 11 of the Act accrues only in cases in which as a result of an occupational disease the worker has been assigned to a disablement group, or if he died.

2. The single compensation amounts to zł 40,000 when the employee has been assigned to the disablement group I or II. It amounts to zł 30,000 if the employee has been assigned to the disablement group III.

3. When the employee dies as a result of an occupational disease, the persons mentioned in § 7 are entitled to a single death benefit amounting to zł 20,000, irrespective of any funeral grant or any allowance payable pursuant to special regulations. When the family consists of more than two persons entitled to a family pension, the said benefit is increased by zł 5,000 per each new entitled person.

§ 5. Competent ministers (heads of central boards) may grant higher benefits than those provided in § 4 in some specially justifiable instances.

§ 6. The single compensation specified in § 4.2 shall be paid within 14 days after the employee produced the relevant final certificate issued by the competent medical board for disablement and employment, assigning the employee to one of the disablement groups.

§ 7. 1. The single compensation shall be paid to the spouse and children who at the time of the employee's death were maintained by him or were

entitled to an alimony/allowance from him, or — in absence of such persons — to other members of the family who qualify for a family pension pursuant to the provisions of the General Pensions Scheme for Employees and Their Families Act of Jan. 23, 1968 (Journal of Laws No. 3, item 6).

2. When the employee had been granted a single compensation in respect of an occupational disease (§ 4.2) and subsequently died as a result of that disease, his family is entitled to a single compensation only if this exceeds the compensation paid to the deceased employee, the amount previously paid being duly deducted.

3. The single compensation mentioned in item 1 shall be paid within 14 days after the competent bodies of the Sanitary Inspection Board, have ascertained that the employee died as a result of an occupational disease.

§ 8. 1. The occurrence of an occupational disease which affords grounds for claiming benefits specified in §§ 2 - 4 shall be ascertained by the Sanitary Inspection Board following the procedure set forth in the Order of the Minister of Health and Social Welfare of April 16, 1968, re. notification of occupational diseases and their ascertainment; records, reports and statistics on the said diseases (Journal of Laws No. 14, item 86).

2. The incidence of an occupational disease mentioned in item 1 shall be ascertained *ex officio*, or at the request of the employee concerned, or — in case of his death — if asked for by his family.

3. Having ascertained the incidence of an occupational disease, the relevant body of the Sanitary Inspection Board (item 1) shall notify the employer of the person in whom an occupational disease has been found, as well as the person concerned, or — in case of his death — his family.

4. The incidence of an occupational disease certified by the competent body of the Sanitary Inspection Board is binding on the employer, the medical board for disablement, and employment, and the pensions authorities concerned.

5. Disablement pensions (§ 2) and single compensations (§ 4) shall be granted on the basis of the decisions of the medical board for disablement and employment, which certify disablement and its causal conjunction with the occupational disease.

6. The medical boards for disablement and employment shall issue their decisions pursuant to Art. 13 of the General Pensions Scheme for Employees and Their Families Act of Jan. 23, 1968 (Journal of Laws No. 3, item 6) and implementary regulations issued pursuant to the said article.

7. Legal measures available with regard to the decisions of the Sanitary Inspection Board have been specified in the Law-decree of August 14, 1954 re. the Sanitary Inspection Board (Journal of Laws No. 37, item 160), and those with regard to the decisions of the medical boards for disablement and employment have been specified in the regulations referred to in item 6.

§ 9. Art. 14 and 16 of the Act shall be applicable to the granting and payment of benefits under this Order, and to the settlement of any disputes concerning the said benefits.

§ 10. The Order shall come into force on Sept. 1, 1968, and with regard to persons entitled to disablement or family pensions under the regulations mentioned in Art. 1.3.3 of the Act, if the disablement or death of the employee resulted from silicosis or silicotuberculosis — on the day of its promulgation, operative from Jan. 1, 1968.