

ACT

of 25th June 1999

on social insurance benefits in illness and maternity

(uniform text)

Chapter 1

General Provisions

Article 1

1. Cash benefits on the conditions and in the amounts determined in this Act shall be due to persons covered by social insurance in the event of illness and maternity as under the Act of 13 October 1998 on the social insurance system (J.L. No. 137, item 887 with further amendments¹), hereinafter referred to as "the insured".
2. Cash benefits on the account of consequences of accidents at work and of occupational diseases shall be set forth in a separate Act.

Article 2

Cash benefits from social insurance in the event of illness and maternity ("sick leave insurance") shall include:

- 1) sickness benefit,
- 2) rehabilitation allowance,
- 3) compensating allowance,
- 4) (deleted);
- 5) maternity benefit,
- 6) guardianship allowance.

Article 3

¹. Amendments to the act were published in the following Journal of Law issues: 1998: No. 162, item 1118 and 1126; 1999: No. 26, item 228, No. 60, item 636, No. 72, item 802, No. 78, item 875 and No. 110, item 1256; 2000: No. 9, item 118, No. 95, item 1041, No. 104, item 1104 and No. 119, item 1249; 2001: No. 8, item 64, No. 27, item 298, No. 39, item 459, No. 72, item 748, No. 100, item 1080, No. 110, item 1189, No. 111, item 1194, No. 130, item 1452 and No. 154, item 1792; 2002: No. 25, item 253, No. 41, item 365, No. 74, item 676, No. 155, item 1287, No. 169, item 1387, No. 199, item 1673, No. 200, item 1679 and No. 241, item 2074; 2003: No. 56, item 498, No. 65, item 595, No. 135, item 1268, No. 149, item 1450, No. 166, item 1609, No. 170, item 1651, No. 190, item 1864, No. 210, item 2037, No. 223, item 2217 and No. 228, item 2255; 2004: No. 19, item 177, No. 64, item 593, No. 99, item 1001, No. 121, item 1264, No. 146, item 1546, No. 173, item 1808, No. 187, item 1925 and No. 210, item 2135.

The terms used in this Act shall be understood in the following meaning;

- 1) right to sick leave insurance - employment or other activity, the undertaking of which establishes the obligation of sick leave insurance - or the right to be covered by this insurance on an optional basis as under the provisions on of the Act on the social insurance system,
- 2) payer of contributions - the person responsible for - payment of sick leave insurance contributions as under the Act on the social insurance system,
- 3) remuneration - the worker's income constituting the assessment basis of sick leave insurance contributions, following the deduction made by the employer of contributions on old-age insurance, pension insurance and sick leave insurance,
- 4) receipts - the amount constituting the assessment basis of sick leave insurance contributions of an insured person other than a worker, following deduction of the amount equivalent to 18.71% of the sick leave insurance contribution assessment basis.
- 5) accident on the way to or from work - a sudden event, which occurred while the insured travelled to or from the place of employment or other activity entitling to sick leave insurance, if such an even has been recognized as an accident pursuant to the provisions on retirement and disability pensions from the Social Security Fund.

Chapter 2

Sickness Benefit

Article 4

1. The insured shall acquire the right to a sickness benefit:

- 1) after 30 days of uninterrupted sick leave insurance - if he/she is subject to compulsory insurance,
- 2) after 180 days of uninterrupted sick leave insurance - if he/she is covered by optional insurance.

2. The sick leave insurance periods referred to in, clause 1 shall include the preceding periods of sick leave insurance, if the break between them did not exceed 30 days or was caused by a parental leave, leave without pay or with the performance of active military service by non-professional soldier.

3. The following persons shall acquire the right to sickness benefit from the first day of their sick leave insurance:

- 1) graduates of schools or colleges who were covered by sick leave insurance or subscribed to sick leave insurance within 90 days from the day of graduation or of obtaining a higher education diploma,
- 2) persons whose incapacity to work was caused by an accident on the way to work or from work,
- 3) persons covered by compulsory insurance who were previously covered by compulsory sick leave insurance for at least 10 years,
- 4) deputies and senators who subscribed to sick leave insurance within 90 days from the expiry of their term of office.

Article 5

(deleted).

Article 6

1. An insured person who became unable to work due to illness while covered by sick leave insurance shall be entitled to sickness benefit.

2. The incapacity to perform work for the following reasons shall be treated equally with incapacity to work due to illness:

- 1) as a result of decision issued by the competent authority or authorised entity under the provisions on infectious diseases and infections,
- 2) on the account of stay at:
 - a) a stationary institution of medical detoxification with a view to treatment of addiction to alcohol,
 - b) a stationary health care institution with a view to treatment of addiction to stupeficients or psychotropic drugs.
- 3) as a result of undergoing indispensable medical examinations, provided for the candidates for cell, tissue and organ donors.

Article 7

A person who became unable to work after the expiry of the right to sick leave insurance may also be entitled to sickness benefit if the incapacity to work lasted continuously for at least 30 days and occurred:

- 1) not later than within 14 days from the expiry of the right to sick leave insurance,
- 2) not later than within 3 months from the expiry of the right to sick leave insurance - in the occurrence of an infectious disease whose incubation period is longer than 14 days or other diseases whose symptoms appear later than 14 days from the beginning of the disease.

Article 8

Sickness benefit shall be due for the whole duration of incapacity to work due to illness or of impossibility of executing work for the reasons set forth in Article 6, clause 2, no more however than 182 days, and if incapacity to work was caused by tuberculosis - no more than 270 days.

Article 9

1. The period referred to in Article 8 (hereinafter "the benefit period") shall include all periods of uninterrupted incapacity to work as well as periods of impossibility of executing work due to the reasons set forth in Article 6, clause 2.

2. The benefit period shall include the periods of preceding incapacity to work caused by the same disease, if the break between the cessation of the preceding and the occurrence of the next incapacity to work did not exceed 60 days.

3. The benefit period shall not include a period of incapacity to work occurring in the periods referred to in Article 4, clause 1. 1.

Article 10

(deleted).

Article 11

1. The monthly sickness benefit, with the reservation of paragraphs 1a and 2, shall amount to 80% of the benefit assessment basis.
- 1a. The monthly sickness benefit, with the reservation of clause 2, for a stay in the hospital shall amount to 70 % the benefit assessment basis.
2. The monthly sickness benefit shall amount to 100 % of the benefit assessment basis if the incapacity to work or incapacity to work referred to in article 6, clause 2:
 - 1) occurred during pregnancy,
 - 2) occurred as a result of undergoing indispensable medical examinations, provided for the candidates for cell, tissue and organ donors, and the operation of donating cells, tissues and organs;
 - 3) occurred as a result of an accident on the way to work or from work,
3. (deleted).
4. A sickness benefit shall be due for each day of incapacity to work, including holidays.
5. Whenever in the assessment of the right to sickness benefit or of the amount thereof a period is stated in months, a month shall be deemed to count 30 days.

Article 12

1. A sickness benefit shall not be due for periods of incapacity to work in which the insured retains the right to remuneration under the provisions on salaries. Such periods shall be included in the benefit period.
2. A sickness benefit shall not be due also for periods of incapacity to work occurring during:
 - 1) leave without pay,
 - 2) parental leave,
 - 3) temporary arrest or imprisonment, with the exception of cases in which the right to the benefit results from sick leave insurance coverage of persons performing paid work on the basis of order to work during imprisonment or temporary arrest.
3. Periods of incapacity to work referred to in, clause 2, during which the benefit is not due, shall not be included in the benefit period.

Article 13

1. A sickness benefit in virtue of incapacity to work originating during the period of sick leave insurance or in virtue of incapacity to work originating after the cessation of the eligibility for the insurance shall not be granted for the period following the cessation of the right to sick leave insurance if the person incapable of work
 - 1) has an effective right to retirement pension or to a pensions on the account of incapacity to work,
 - 2) is continuing a gainful activity or has undertaken a gainful activity, that provides basis for obligatory or voluntary liability to the sick leave insurance, or ensure the right to benefits for the period of incapacity to work due to an illness;
 - 3) did not acquire a right to the benefit while covered by insurance,--in cases set forth in Article 4, clause 1,
 - 4) is entitled to an unemployment benefit, pre-retirement allowance or pre-retirement benefit.
 - 5) is liable to obligatory social insurance of farmers, defined in the provisions on the social insurance of farmers.
2. A sickness benefit shall not be due for the period of incapacity to work following the expiry of the right to sick leave insurance if insurance was discontinued after the expiry of the right to sickness benefit.

Article 14

A sickness benefit shall not be due to an insured worker removed from work under the procedure set forth in Article 6, clause 2, item 1, on account of suspicion of his/her carrying germs of an infectious disease, if he/she did not undertake other work, not prohibited to such persons, proposed to him/her by the employer and corresponding to his/her professional qualifications or such that may be executed following training.

Article 15

1. A sickness benefit shall not be due to an insured person for all the duration of incapacity to work, if such incapacity was caused due to intentional crime or petty offence committed by the insured.
2. The circumstances referred to in, clause 1 shall be established on the basis of a valid court verdict.

Article 16

An insured whose incapacity to work was caused by abuse of alcohol shall not be entitled to a sickness benefit for the first 5 days of such incapacity.

Article 17

1. An insured performing paid work during the period of acknowledged incapacity to work or using a medical leave in a way contrary to its aims shall lose the right to sickness benefit for the whole period of such medical leave.
2. A sickness benefit shall not be due in the event of falsification of the medical leave certificate.
3. The circumstances referred to in, clause 1 and 2 shall be established under the procedure set forth in Article 68.

Chapter 3

Rehabilitation allowance

Article 18

1. A rehabilitation allowance shall be due to an insured person who after expiry of the sickness benefit is still unable to work but further treatment or rehabilitation allow to expect recovery of ability to work.
2. A rehabilitation allowance shall be due in the period indispensable to restore ability to work, not exceeding however 12 months.
3. Opinions on the circumstances referred to in, clause 1 and 2 shall be issued by the certification expert of the Social Insurance Institution.
4. The insured person can appeal from an opinion of a certified medical expert to a medical board of the Social Insurance Institution within the term and according to the principles defined in the provisions on retirement and disability pensions from the Social Security Fund.
5. The Chairman of the Social Insurance Institution may charge an opinion of a certified medical expert to be defective and do so within the term and according to the principles defined in the provisions on retirement and disability pensions from the Social Security Fund.

6. The opinion of a certified medical expert, that has not been appealed or charged as defective, or the opinion of the medical board of the Social Insurance Institution, shall be the basis for issuing a decision granting a rehabilitation allowance.

7. A rehabilitation allowance shall not be due to a person entitled to a retirement pension or a pension on the account of incapacity to work, to an unemployment benefit, to a pre-retirement benefit or a pre-retirement allowance and to a health-care leave granted pursuant to separate provisions.

Article 19

1. The rehabilitation allowance shall amount to 90% of the sickness benefit assessment basis during the first three months, and to 75% of the basis for the remaining period, or 100% of that base, if the incapacity to work occurred during pregnancy.

2. The sickness benefit assessment basis assumed for the calculation of the rehabilitation allowance shall be indexed according to the following principles:

- 1) if the first day of the period, for which the rehabilitation allowance is granted, belongs to the first calendar quarter of a given year, the sickness benefit assessment basis assumed for the calculation of the rehabilitation allowance shall increase by the percentage of the average increase in monthly remunerations in the third quarter compared to the first quarter of the preceding calendar year,
- 2) if the first day of the period, for which the rehabilitation allowance is granted, belongs to the second calendar quarter of a given year, the sickness benefit assessment basis assumed for the calculation of the rehabilitation allowance shall increase by the percentage of the average increase in monthly remunerations in the fourth quarter compared to the second quarter of the preceding calendar year,
- 3) if the first day of the period, for which the rehabilitation allowance is granted, belongs to the third calendar quarter of a given year, the sickness benefit assessment basis assumed for the calculation of the rehabilitation allowance shall increase by the percentage of the average increase in monthly remunerations in the first quarter of the calendar year, compared to the third quarter of the preceding calendar year,
- 4) if the first day of the period, for which the rehabilitation allowance is granted, belongs to the fourth calendar quarter of a given year, the sickness benefit assessment basis assumed for the calculation of the rehabilitation allowance shall increase by the percentage of the average increase in monthly remunerations in the second quarter of the calendar year, compared to the fourth quarter of the preceding calendar year,

3. The Chairman of the Social Insurance Institution shall publish in the Official Journal of the Republic of Poland "Monitor Polski", by the last day of every calendar quarter, the indexation ratio of sickness benefits in force for the next quarter, as calculated pursuant to the provisions of clause 2.

Article 20

The provision of Article 53 § 5 of the Labour Code shall apply appropriately to workers receiving rehabilitation allowances, if they notify of their return to the employer immediately following the expiry of that allowance, should that even occur later than 6 months from the dissolution of the employment relation.

Article 21

Whenever sickness benefit is mentioned in provisions on social insurance, health insurance, retirement pensions and other pensions, and also in provisions conditioning the rights on the income of the family, it shall be understood to include also rehabilitation allowances.

Article 22

The provisions of Article 11, clause 4 and 5, Article 12, Article 13, clause 1, Article 15 and 17 shall apply appropriately to the rehabilitation allowance.

Chapter 4

Compensating allowance

Article 23

1. A compensatory allowance shall be due to an insured worker with reduced efficiency of work, working:
 - 1) at a factory or inter-factory professional rehabilitation centre,
 - 2) with an employer, at a separate workplace suited to the needs of adaptation or training for a given job, if his/her monthly remuneration earned during rehabilitation is lower than the average monthly remuneration as under Article 36-42.
2. The necessity of professional rehabilitation shall be decided by the provincial labour medicine centre or the certification expert of the Social Insurance Institution.
3. A compensatory allowance shall be due for the period of professional rehabilitation on conditions set forth in, clause 1, with the reservation of, clause 4.
4. The right to compensatory allowance shall expire:
 - 1) with the date of completion of professional rehabilitation and displacement to other work, not later however than 24 months from the day on which the insured worker undertook rehabilitation,
 - 2) if due to the state of health of the insured worker professional rehabilitation became inexpedient.
5. Opinions on the circumstances referred to in, clause 4, item 2, shall be issued by the certification expert of the Social Insurance Institution.
6. Provisions of article 18, clauses 4 and 5, shall apply accordingly to the opinions of a medical expert of the Social Insurance Institution, referred to in clauses 2 and 5.

Article 24

1. The compensatory allowance shall amount to the difference between the average monthly remuneration established under Article 36-42 and the monthly remuneration earned for work in conditions of professional rehabilitation.
2. If an insured worker worked for less than a month due to absence from work for justified reasons, the compensatory allowance for that month shall be due in the amount corresponding to the difference between the average monthly remuneration established under Article 36-42, reduced by a thirtieth for every day of such absence, and the remuneration earned in that month.

Article 25

A compensatory allowance shall not be due to an insured worker and entitled to a retirement pensions or a pension on the account of incapacity to work.

Article 26

The Minister competent in matters of social insurance shall determine by way of Ordinance the detailed terms and procedures for the calculation of compensating allowances.

Chapter 5

(deleted).

Chapter 6

Maternity benefit

Article 29

1. A maternity benefit shall be due to an insured woman who while covered by sick leave insurance or during parental leave:
 - 1) gave birth to a child,
 - 2) accepted a child less than 1 year old for education and applied to a guardianship court concerning his/her adoption,
 - 3) accepted a child less than 1 year old for education within the framework of a foster family, with the exception of a foster family functioning as emergency parental service.
2. The provisions of, clause 1, item 2 and 3 shall apply appropriately to the insured man.
3. Where the right to a maternity benefit arose during parental leave, the maternity benefit shall be due for the period corresponding to the part of maternity leave which continues after childbirth.
4. Should the insured decease or abandon the child, the maternity benefit shall be due to the insured man being the father of the child or to any other insured member of the nearest family, if they interrupt employment or any other gainful activity to take personal care of the child.
- 4a. Should the period of receiving the maternity benefit be shortened on request of the insured mother to a child, when she used the allowance for the period of at least 14 weeks, the right to the allowance is vested in the insured father, who acquired the right to a maternity leave or discontinued gainful activities to personally take care of the child.
5. A maternity benefit shall be due during the period determined by the provisions of the Labour Code as the period of maternity leave or period of holiday on conditions equal to maternity leave, with the reservation of paragraphs 3 and 6.
6. In the event referred to in, clause 4 and 4a, the period of payment of maternity benefit shall be reduced by the period of payment of such allowance to the insured mother of the child.

Article 30

1. A maternity benefit shall also be due in the event of giving birth to a child after the expiry of sick leave insurance, if such insurance expired during pregnancy:
 - 1) as a result of declaration of bankruptcy or liquidation of the employer,
 - 2) in violation of the law pronounced by a valid court decision.

2. In the event referred to in, clause 1, maternity benefit shall be due for the period corresponding to the part of maternity leave which continues after childbirth.
3. An ensured female worker with whom employment relation was dissolved during pregnancy as a result of declaration of bankruptcy or liquidation of the employer and who was not ensured another job, shall be entitled until childbirth to an allowance in an amount equal to the maternity benefit.
4. An ensured female worker hired under a fixed term employment contract or for the time of performance of a definite job whose employment contract was extended until childbirth under Article 177 § 3 of the Labour Code, shall be entitled to a maternity benefit after the expiry of the insurance.

Article 31

1. The monthly maternity benefit shall amount to 100% of the assessment basis of the benefit.
2. The provisions of Article 11, clause 4 and Article 12, clause 1 and, clause 2, item 1 and 3 shall apply appropriately to the maternity benefit.

Chapter 7

Guardianship Allowance

Article 32

1. A guardianship allowance shall be due to an insured who is subject to compulsory sick leave insurance and is released from the execution of work on account of the necessity of taking personal care of:
 - 1) a child less than 8 years old in case of:
 - a) unforeseeable closure of the nursery school, kindergarten or school frequented by the child.
 - b) childbirth or illness of the spouse of the insured usually taking care of the child, if the childbirth or illness makes it impossible for the spouse to perform such care,
 - c) the stay of the spouse of the insured usually taking care of the child, at a stationary health care institution,
 - 2) a sick child under 14 years of age,
 - 3) any other sick family member.
2. The family members referred to in, clause 1, item 3, shall be understood to mean the spouse, parents, father or mother-in-law, grandparents, grandchildren, brothers and sisters and children of over 14 years of age - if they live in a common household with the insured person when care is performed.
3. Children as understood in, clause 1 and 2 shall be understood to mean the insured or his spouse's own children and adopted children, as well as other children accepted for education and maintenance.

Article 33

1. A guardianship allowance shall be due during the period of release from the execution of work on account of the necessity of personal care, no longer however than for the period of:
 - 1) 60 days per calendar year, if care is taken of children referred to in Article 32, clause 1, item 1 and 2,
 - 2) 14 days per calendar year, if care is taken of other family members referred to in Article 32, clause 1, item 3.

2. A guardianship allowance shall be due together for care of children and other family members for no more than 60 days per calendar year.
3. The provisions of, clause 1 and 2 shall apply regardless of the number of family members entitled to a guardianship allowance and regardless of the number of children and other family members demanding such care.

Article 34

A guardianship allowance shall not be due, if beside the insured there are other family members living in a common household and able to ensure care of a child or sick family member. This does not concern however care taken of a sick child less than 2 years old.

Article 35

1. The monthly guardianship allowance shall amount to 80% of the benefit assessment basis.
2. The provisions of Article 11, clause 4 and Article 12 and 17 shall apply appropriately to the guardianship allowance.

Chapter 8

Guidelines for Establishing the Assessment Basis of Benefits Due to Insured Workers

Article 36

1. The assessment basis of sickness benefit due to insured workers shall be the average monthly remuneration paid in the 12 calendar months preceding the month in which the incapacity to work occurred.
2. If the incapacity to work occurred before the end of period referred to in, clause 1, the sickness benefit assessment basis shall be the average monthly remuneration for the full calendar months covered by insurance.
3. The sickness benefit assessment basis per day of incapacity to work shall be equal to one thirtieth of the remuneration constituting the assessment basis of the benefit.
4. The sickness benefit assessment basis shall be established with regard to the remuneration earned from the contribution payer during an uninterrupted period of sick leave insurance, when the incapacity to work originated.

Article 37

1. If the incapacity to work occurred before the end of a full calendar month of sick leave insurance, the sickness benefit assessment basis shall be the remuneration which the insured worker could have earned, should he/she have worked a full calendar month.
2. In the case referred to in, clause 1, the sickness benefit assessment basis shall be:
 - 1) the monthly remuneration determined in the employment contract or in any other document establishing the employment relation, if such remuneration is due in fixed monthly rates,

- 2) the monthly remuneration calculated by the division of the remuneration earned for the days worked by the number of days worked, multiplied by the number of days which the insured worker was obliged to work in that month, if he/she worked at least one day,
- 3) the amount of variable components of remuneration in average monthly amounts, paid for the month in which the incapacity to work occurred, to workers employed at an identical or similar workplace with the same employer, by whom the sickness benefit is due, if the insured worker did not earn any remuneration.

Article 38

1. The average monthly remuneration constituting the sickness benefit assessment basis shall be established by dividing the remuneration earned by the insured worker for the period referred to in Article 36, clause 1-3, by the number of months in which the remuneration was earned.
2. If in the period referred to in, clause 1 the insured worker did not earn remuneration due to justified absence from work, [the following steps shall be taken] when establishing the assessment basis for the sickness benefit:
 - 1) the remuneration for the months in which the insured worked less than half the statutory work hours shall be excluded,
 - 2) the remuneration for the months in which the insured worker worked at least half the statutory work hours shall be adopted in the calculation of the assessment basis following supplementing it according to the provision of Article 37, clause 2.
3. If in the period referred to in, clause 1 the insured worker for justified reasons worked for less than half the statutory work hours each month, the remuneration for all the months, following supplementing it according to the provision of Article 37, clause 2 shall be adopted in the calculation of the assessment basis of sickness benefit.

Article 39

When establishing the assessment basis of the sickness benefit, the compensatory allowance paid shall be treated on an equal basis with the remuneration.

Article 40

In the event of change in the employment contract or any other act constituting the basis for the employment relation, consisting in a change in working hours, the sickness benefit assessment basis shall be the remuneration determined for the new working hours, if such change occurred in the month in which the incapacity to work occurred, or in the months referred to in Article 36.

Article 41

1. When establishing the sickness benefit assessment basis, the components of remuneration shall not be taken into account, if the provisions of collective agreements or remuneration regulations do not provide for reducing them during the period when the benefit is received.
2. The components of remuneration being due only within a determined deadline under employment contract or any other act constituting the basis for the employment relation, shall not be taken into account in the calculation of the sickness benefit assessment basis for the period following that deadline.
3. The provisions of, clause 2 shall apply appropriately to the components of remuneration whose payment ceased under the collective agreement or remuneration regulations.

Article 42

1. Bonuses, prizes and other components of remuneration due for monthly periods shall be included into the sickness benefit assessment basis in the amount paid to the worker for the calendar months, for which the remuneration is taken as the basis for the establishment of the assessment basis for the benefit.
2. The components of remuneration referred to in, clause 1, due for quarterly periods, shall be included in the average monthly remuneration taken as the basis for calculating the sickness benefit assessment basis in the amount of one twelfth of the amounts paid to worker for the four quarters preceding the month in which the incapacity to work occurred.
3. The components of remuneration referred to in, clause 1, due for one-year periods shall be included in the sickness benefit assessment basis in the amount corresponding to one twelfth of the amounts paid to the worker for the year preceding the month in which the incapacity to work occurred.
4. The provisions of, clause 2 and 3 shall apply appropriately to the components of remuneration paid for otherwise defined periods.
5. If the components of remuneration referred to in paragraphs 1-4 were not paid before the final establishment of the pay sheet of sickness benefits, the components paid for the preceding period shall be included in the assessment basis for the benefit.

Article 43

The sickness benefit assessment basis shall not be re-calculated if the periods of receiving benefits of the same type or of other types were not separated or the break was shorter than 3 calendar months.

Article 44

(deleted).

Article 45

1. The sickness benefit assessment basis on account of full-time employment may not be lower than the lowest remuneration for work, following deduction of the amount corresponding to 18.71% of that remuneration, and in the case of persons referred to in article 6, clause 2, of the act of 10th October 2002 on the minimum remuneration for work (Journal of Law No. 200, item 1679; and 2004: No. 240, item 2407), it may not be lower than the remuneration referred to in this provision, following deduction of the amount corresponding to 18.71% of that remuneration.
2. The provisions of clause 1 shall not apply to insured workers whose remuneration is not subject to the provisions of the act referred to in clause 1.

Article 46

The sickness benefit assessment basis due for the period following the expiry of the right to sick leave insurance may not exceed 100% of the average remuneration. That amount shall be calculated monthly starting from the 3rd month of the calendar quarter for a 3-month period, on the basis of the average monthly remuneration from the preceding quarter published for pension purposes.

Article 47

The provisions of Article 36 through 42 and article 45 shall apply appropriately to the calculation of the assessment basis for the rehabilitation allowance, compensating allowance, maternity benefit, an allowance equal to the maternity benefit, and guardianship allowance. The provision of Article 46 shall also apply appropriately to the rehabilitation allowance.

Chapter 9

Guidelines for Establishing the Assessment Basis of Benefits Vested in Insured Persons Other than Workers

Article 48

1. The sickness benefit assessment basis due to an insured other than a worker shall be the income for the 12 calendar month period preceding the month in which the incapacity to work occurred.
2. The provisions of Article 36, clause 2-4, Article 38, clause 1, Article 42-43 and 46 shall apply appropriately to the calculation of the sickness benefit assessment basis due to an insured other than a worker, with the reservation of Article 49-50.

Article 49

If the incapacity to work occurred in first calendar month of sick leave insurance, the assessment basis of the benefit shall be:

- 1) the minimum sick leave insurance contribution assessment basis, the deduction of which is referred to in Article 2, item 4 - for insured persons, for whom the minimum contribution assessment basis has been determined,
- 2) the amount of receipts determined in the contract for the first calendar month of insurance, following the deductions referred to in Article 3, item 4, and if such amount has not been established in the contract, the average monthly receipts of other insured persons with whom the payer of contributions concluded identical or similar contracts - for insured persons performing work under an agency contract or order contract,
- 3) the average monthly receipts of other members of the cooperative - for insured persons being members of a farming cooperative and farmers' cooperating groups,
- 4) the average monthly receipts of persons performing home-work for a given payer of contributions - for persons performing home-work.

Article 50

1. If in the period referred to in Article 48 the receipts of the insured person other than a worker decreased as a result of non-performance of work or activity while on sickness benefit, maternity benefit, rehabilitation allowance or while performing of military training, [the following steps shall be taken] when calculating the assessment basis for the sickness benefit:
 - 1) the receipts for the months in which the insured performed work or activity for less than half a month shall be excluded,
 - 2) the receipts for the months in which the insured performed work or activity for at least half of month shall be taken into consideration.

2. If in the period referred to in, clause 1 the receipts of the insured person were reduced each month for the reasons referred to in, clause 1, when calculating the sickness benefit assessment basis the receipts for all months shall be taken into consideration.

Article 51

(deleted).

Article 52

The provisions of Article 36, clauses 2 through 4, Article 38, clause 1, Articles 42, 43 and 48, clause 1, and articles 49 and 50, shall apply appropriately to the calculation of the assessment basis for the rehabilitation allowance, maternity benefit and the guardianship allowance. The provision of Article 19, clause 2, and article 46 shall also apply appropriately to the rehabilitation allowance.

Article 52a.

The amount of the cash benefit, defined in the provisions on substitute military service, due for the month when the incapacity to work originated, following deductions referred to in article 3, item 4, shall constitute the sickness benefit assessment basis for conscripts serving in substitute forms of military service.

Chapter 10

Documenting the Right to Benefits and Control of Decisions on Temporary Incapacity to work

Article 53

1. When establishing the right to benefits and their amount, the proofs attesting temporary incapacity to work due to illness, the necessity of personal care of an ill family member, of stay at a stationary health care institution shall be the medical certificates referred to in Article 55.
2. The foreseen date of childbirth shall be attested by a certificate issued by a doctor on an ordinary form, while the date of childbirth shall be confirmed by the child's birth certificate.
3. The incapacity to work caused by indispensable medical examinations, provided for the candidates for cell, tissue and organ donors, or the incapacity to work caused by the operation of donating cells, tissues and organs, shall be confirmed by the child's birth certificate.

Article 54

1. The Social Insurance Institution shall authorise physicians, dental surgeons, surgeon assistants and junior surgeon assistants to issue the medical certificates referred to in Article 55 after submission of a written commitment to comply with the rules on deciding about temporary incapacity to work and executing duties pursuant to legal provisions.

2. The Social Insurance Institution may not authorise physicians or dental surgeons on junior positions after graduation, to issue medical certificates referred to in, clause 1.
3. The Social Insurance Institution shall issue the authorisations referred to in, clause 1 by way of decision.

Article 55

1. Medical certificates on temporary incapacity to work due to illness or stay at a stationary health care institution, the necessity of personal care by the insured of ill family member, (hereunder called "the medical certificates"), shall be issued on an appropriate form, complying with the form determined in the provisions enacted under Article 59, clause 14.
2. A medical certificate shall contain information identifying the insured to whom it has been issued, the payer of his insurance contributions, the person issuing the medical certificate and his/her place of work as well as:
 - 1) the duration of the pronounced temporary incapacity to work including the period of stay at a stationary health care institution, the statistical number of the disease established according to the International Statistical Classification Of Diseases and Health Problems, the letter codes referred to in Article 57 and any medical recommendations,
 - 2) the period of release from work on account of the necessity of personal care of an ill family member, the date of birth of the family member and his kinship relation to the insured.
3. The medical certificate shall be confidential.
4. The Social Insurance Institution shall distribute the medical certificate forms which shall be strictly registered.
5. The Social Insurance Institution shall keep a register of medical certificates containing the information referred to in, clause 2.
6. The persons issuing medical certificates shall notify the local organisational entity of the Social Insurance Institution which provided them with the medical certificate forms on every case of loss, disappearance or theft of the medical certificate forms.
7. The Minister competent in matters of health, having consulted the Chief Medical Board, shall determine by way of Ordinance the detailed guidelines of deciding on temporary incapacity to work and manner of documenting the assessed incapacity to work.

Article 56

1. The Social Insurance Institution shall keep a register of physicians, dental surgeons, surgeon assistants and junior surgeon assistants who applied for authorisation to issue medical certificates.
2. The register referred to in, clause 1 shall contain:
 - 1) the identification number,
 - 2) the number of the licence to execute profession,
 - 3) first name and family name,
 - 4) the PESEL identification number,
 - 5) the NIP fiscal identification number,
 - 6) the type and degree of specialisation,
 - 7) the place of work,
 - 8) the name and office address of the proper medical chamber,
 - 9) information on the medical certificate forms provided,
 - 10) information concerning withdrawal of the authorisations referred to in Article 54.
3. The persons listed in, clause 1 shall provide the information referred to in, clause 2, item 2-8 and notify of all changes in that respect.

4. The identification number shall be entered in the medical certificate.
5. the Social Insurance Institution:
 - 1) shall make available to the Chief Medical Board the information entered in the register referred to in, clause 1.
 - 2) may use the information referred to in, clause 2, entered in registers of physicians kept by the regional medical boards.
6. The identification number is identical with the number of the certificate entitling to practice the profession of a physician, dental surgeon, paramedic and senior paramedic.

Article 57

1. In a medical certificate concerning temporary incapacity to work due to illness or stay at a stationary health care institution, information on circumstances affecting the right to sickness benefit or its amount under Article 7, item 2, Article 8, Article 9, clause 2, Article 11, clause 2, item 1 and Article 16, shall be given with the use of the following letter codes:
 - 1) code A shall mean incapacity to work that occurred after a break not exceeding 60 days - caused by the same disease which was the cause of the incapacity to work before that break,
 - 2) code B shall mean incapacity to work that occurred during pregnancy,
 - 3) code C shall mean incapacity to work caused by abuse of alcohol,
 - 4) code D shall mean incapacity to work caused by tuberculosis,
 - 5) code E shall mean incapacity to work caused by a disease referred to in Article 7, item 2.
2. Codes "B" and "D" may be omitted in the medical certificate at the written request of the insured.

Article 58

1. A medical certificate shall be issued in one original and two copies:
 - 1) the original of the medical certificate shall be sent by the person issuing the certificate, within 7 days from the day of issuance, directly to the local organisational entity of the Social Insurance Institution,
 - 2) the first copy of the medical certificate shall be handed to the insured,
 - 3) the second copy of the certificate shall be kept by the person issuing it for 3 years.
2. The letter codes referred to in Article 57 shall be inscribed respectively on the original and the copies of the medical certificate and the statistical numbers of the disease established according to the International Statistical Classification Of Diseases and Health Problems only on the original and the second copy.

Article 59

1. The regularity of decisions on temporary incapacity to work due to illness and of the issuance of medical certificates shall be subject to control.
2. Control shall be effected by certification experts of the Social Insurance Institution.
3. In order to execute control, the certification expert of the Social Insurance Institution may:
 - 1) proceed to a medical examination of the insured:
 - a) at a determined place,
 - b) at his/her place of residence,
 - 2) submit the insured to a specialist examination by a consultant-physician of the Social Insurance Institution,

- 3) request from the person issuing the medical certificate to submit the medical records concerning the insured and constituting the basis for the issuance of a medical certificate or to provide explanations and information in that matter,
- 4) order the execution of auxiliary examinations within a determined time limit.
4. The insured shall make available any medical documentation in his possession to the physician conducting the examination referred to in, clause 3 indents 1 and 2.
5. The Social Insurance Institution shall send to the insured, against acknowledgement of receipt, a request stating the date of examination by certification expert of the Social Insurance Institution or by a consultant physician or the deadline for the submission of results of auxiliary examinations in the possession of the insured. The request shall contain information on the consequences referred to in paragraphs 6 and 10.
6. Should the insured make examination impossible or fail to produce the results of auxiliary examinations in his possession within the time limit referred to in, clause 5, the medical certificate shall expire on the day following that date.
7. Should the certification expert of the Social Insurance Institution, after analysis of medical records and after examination of the insured, determine an earlier date of end of the incapacity to work than the one established in the medical certificate, the medical certificate shall expire on the day following that date.
8. In cases referred to in, clause 7, the certification expert of the Social Insurance Institution shall issue a certificate which shall be treated equally with a certificate ascertaining the lack of contraindications to work on a definite job issued under Article 229 § 4 of the Labour Code.
9. The certificate referred to in, clause 8 shall be handed by the certification expert of the Social Insurance Institution on the day of examination to the insured together with information on the necessity to deliver the certificate to the employer.
- 9a. In the case a medical expert of the Social Insurance Institution issues the certificate referred to in clause 8, the Social Insurance Institution shall inform the person issuing the medical certificate about this fact.
10. [In cases referred to in, clause 6 and 7 the Social Insurance Institution shall issue a decision on the lack of right to allowance.
11. A copy of the decision referred to in, clause 10 shall be sent by the Social Insurance Institution to the employers of the insured person concerned.
12. The employer may apply to the Social Insurance Institution to control the regularity of decisions on temporary incapacity to work due to illness and of issuance of medical certificates for the purposes of payment of remuneration for the time of incapacity to work referred to in Article 92 the Labour Code. The Institution shall notify the employer of their findings.
13. The costs of travel to the examination borne by the insured shall be returned by the Social Insurance Institution up to the amount of costs of travel by the cheapest means of public transport.
14. The Minister competent in matters of social insurance, following consultation with the Chief Medical Board, shall determine by way of Ordinance the detailed guidelines and procedure of issuance of medical certificates and forms for medical certificates and medical certificates issued as a result of control by the certification expert of the Social Insurance Institution.
15. The Minister competent in matters of social insurance shall define by way of Ordinance any other necessary evidence constituting the base for granting and paying the benefits.

Article 60

1. Should it be ascertained that the medical certificate was issued fraudulently, and in particular when the medical certificate was issued:
 - 1) without a direct examination of the insured,
 - 2) without documented diagnosis to support the pronounced temporary incapacity to work,

- the Social Insurance Institution may withdraw the authorisation to issue medical certificates for a period not exceeding 12 months from the date of coming into force of the decision.
2. In the case of repeated infringement of the rules set forth in Article 57 and 58, the Social Insurance Institution may withdraw the authorisation to issue medical certificates for a period not exceeding 3 months from the date of coming into force of the decision
 3. Withdrawal of authorisation referred to in, clause 1 and 2 shall be made in the form of decision.
 4. Decisions referred to in, clause 1-3 may be appealed against to the Minister competent in matters of social insurance.
 5. The provisions of the Code of Administrative Procedure shall apply to the decisions referred to in paragraphs 1-3 and Article 54.

Chapter 11

Procedures in Establishing the Right to Benefits and Conditions of their Payment

Article 61

1. The right to benefits as set forth in this Act and the amounts thereof shall be assessed and the benefits shall be paid by:
 - 1) payers of sick leave insurance contributions, who report over 20 insured persons to sick leave insurance, with the reservation of, item 2 d),
 - 2) the Social Insurance Institution:
 - a) to those insured persons whose payers of contributions report no more than 20 insured to sick leave insurance,
 - b) to insured persons running non-agricultural economic activity and persons cooperating with them,
 - c) to insured members of clergy,
 - d) to persons entitled to allowances for the period following the expiry of insurance.
 - e) to the insured, covered by the sick leave insurance in Poland on account of being employed by a foreign employer.
2. The number of insured referred to in, clause 1 shall be established as at 30th November of the preceding calendar year, and with reference to those payers of contributions who at that day did not report anybody for sick leave insurance - as at the first month, when they made such report.
3. If payment of the benefit is due by the Social Insurance Institution, the payer of contributions shall submit a certificate listing the components of remuneration or receipts which constitute the assessment basis for the benefit. The form for such certificate shall be determined by way of Ordinance by the Minister competent in matters of social insurance.
4. The Social Insurance Institution shall continue previously undertaken payments of benefit after 31st December even if as of 1st January the payer of contributions is obliged under, clause 1 to pay the benefit.

Article 62

1. The insured shall deliver the medical certificate within 7 days from the date of the receipt thereof to the payer of benefits, notwithstanding, clause 2.

2. The insured referred to in Article 61, clause 1, item 2 a) shall deliver the medical certificate within 7 days from the date of the receipt thereof to the payer of contributions, who shall deliver it immediately to the Social Insurance Institution, stating the date of delivery thereof by the insured.
3. Any failure to attend to the duty set forth in paragraphs 1 and 2 shall result in a 25% reduction of the amount of benefit granted for the period from the 8th day of the certified incapacity to work to the day of delivery of the medical certificate, unless the failure to deliver the certificates occurred for reasons independent from the insured.

Article 63

1. The insured may apply to the Social Insurance Institution to establish his/her right to benefit, if he /she believes that his/her rights in that respect have been infringed.
2. A request to establish the right to benefit due to the insured may also be made to the Social Insurance Institution by the payer of sick leave insurance contributions.
3. Decisions of the Social Insurance Institution may be appealed against under separate regulations.

Article 64

1. The contribution payers, referred to in article 61, item 1, shall pay out the allowances within the deadlines adopted for payment of remuneration or income, and by the Social Insurance Institution - immediately following the establishment of rights. However, the benefits shall not be paid later than within 30 days from the date of submission of documents indispensable to ascertain the right to benefits.
2. Should the payer of contributions fail to pay the allowance within the deadline referred to in, clause 1, he shall pay interest on that benefit in the amount and on conditions set forth in the Act on the social insurance system.

Article 65

1. Benefits shall be paid to the person who is entitled thereto or to the person authorised by them or to the person to whose hands the remuneration or income of the insured person is paid.
2. Should the insured decease before receiving the benefit due to him/her, the benefit shall be paid to persons authorised to receive the remuneration or receipts of the insured person.

Article 66 1. Payment of benefit shall be suspended if the right to benefit expires or it appears that such right was entirely inexistent.

2. Should the allowance be unduly received by fault of the insured or due to the circumstances referred to in Articles 15 through 17 and in article 59, clauses 6 and 7, the amounts paid out shall be deducted from the current benefits due to the insured or from other social insurance benefits, or enforced under the administrative execution procedures.
3. The decision of the Social Insurance Institution concerning the return of groundlessly received benefits shall constitute an executory document in the administrative execution procedures.

Article 67

1. Any claims for the payment of sickness benefit, compensating allowance, maternity benefit and guardianship allowance shall expire after 6 months from the last day of the period for which the benefit was due.
2. (deleted).

3. If failure to notify of the claim for payment of benefit occurred for reasons independent of the entitled person, the 6-month deadline shall count from the day in which the hindrance making notification of the claim impossible ceased.
4. If failure to partly or wholly pay the benefit was due to an error of the payer of contributions referred to in Article 61, clause 1, item 1, or of the Social Insurance Institution, the claim for payment of benefit shall expire after 3 years.

Article 68

1. The Social Insurance Institution and payers of contributions referred to in Article 61, clause 1, item 1 may control the insured regarding the regularity of use of medical leaves in accordance with their aim and shall be authorised to formal control of medical certificates.
2. The Minister competent in matters of social insurance, following consultation with the Chief Medical Board, shall determine by way of Ordinance the detailed guidelines and mode of control of regularity of use of medical leaves and formal control of medical certificates.

Article 69

The provisions of Article 61 and 63-68 shall apply appropriately to rehabilitation allowances.

Article 70

1. If incapacity of the insured person to work constituting the basis for the payment of a sickness benefit or a rehabilitation allowance was caused by another person as a result of that person committing an intentional crime or petty offence, the Social Insurance Institution or payer of contributions referred to in Article 61, clause 1, item 1 may claim from the perpetrator the return of the sickness benefit or rehabilitation allowance paid out.
2. The circumstances referred to in, clause 1 shall be established on the basis of a valid court verdict.

Chapter 12

Amendments to existing regulations

Article 71

The following article 3a shall be added after article 3 of the act of 20th July 1950 on the vocation of a paramedic (Journal of Law No. 36, item 336; 1954: No. 57, item 284; 1998: No. 143, item 916):

"Article 3a. A senior paramedic or paramedic may issue an opinion on temporary incapacity to work of an insured person for 7 days at a time, yet the total period of identified incapacity to work cannot exceed 14 days."

Article 72

The phrase ", with the amendments resulting from articles 28 through 32" shall be deleted from article 27 of the act of 18th December 1976 on the social insurance of persons engaged in business activities and their families (Journal of Law 1989: No. 46, item 250; 1990: No. 36, item 206; 1991: No. 104, item 450 and No. 110, item 474; 1995: No. 4, item 17; 1996: No. 100, item 461 and No. 124, item 585; 1997: No. 28, item 153; 1998: No. 106, item 668, No. 137, item 887 and No. 162, item 1118).

Article 73

§ 2 shall be deleted in article 161 of the act of 16th September 1982 – Co-operative Law (Journal of Law 1995: No. 54, item 288 and No. 133, item 654; 1996: No. 5, item 32, No. 24, item 110 and No. 43, item 189; 1997: No. 32, item 183, No. 111, item 723 and No. 121, item 769 and 770; 1999: No. 40, item 399).

Article 74

§ 1 of article 74 of the act of 20th June 1985 – The system of the general jurisdiction courts (Journal of Law 1994: No. 7, item 25, No. 77, item 355, No. 91, item 421 and No. 105, item 509; 1995: No. 34, item 163 and No. 81, item 406; 1996: No. 77, item 367; 1997: No. 75, item 471, No. 98, item 604, No. 106, item 679, No. 117, item 751, 752 and 753, No. 121, item 769, No. 124, item 782 and No. 133, item 882; 1998: No. 98, item 607, No. 160, item 1064 and No. 162, item 1118 and 1125; 1999: No. 20, item 180) shall read:

"§ 1. During absence from work due to illness, a judge shall receive remuneration, yet for the period not longer than one year. In cases other than illness, as referred to in the provisions on benefits from the social insurance in illness and maternity, a judge shall have the right to remuneration or birth benefit, respectively, pursuant to the principles defined in these provisions."

Article 75

Clause 1 of article 51 of the act of 20th June 1985 on prosecutors (Journal of Law 1994: No. 19, item 70 and No. 105, item 509; 1995: No. 34, item 163; 1996: No. 77, item 367; 1997: No. 90, item 557, No. 98, item 604, No. 106, item 679, No. 117, item 752 and 753, No. 124, item 782 and No. 141, item 994; 1998: No. 98, item 607, No. 155, item 1016 and No. 162, item 1123 and 1125) shall read:

"1. During absence from work due to illness, a prosecutor shall receive remuneration, yet for the period not longer than one year. In cases other than illness, as referred to in the provisions on benefits from the social insurance in illness and maternity, a prosecutor shall have the right to remuneration or birth benefit, respectively, pursuant to the principles defined in these provisions."

Article 76

The following amendments shall be made to the act of 20th December, 1990, on social insurance for farmers (Journal of Law 1998: No.7, item 25, No. 106, item 668 and No. 117, item 756): (amendments omitted)

Article 77

The following amendments shall be made to the act of 1st December, 1994, on family, nursing and parental leave allowances (Journal of Law 1998: No.102, item 651, No. 106, item 668 and No. 162, item 1118): (amendments omitted)

Article 78

The following amendments shall be made in the Act of 14th December 1994 on Employment and Counteracting Unemployment (Journal of Law No. 25, item 128, No. 28, item 153, No. 41, item 255, No. 63, item 403, No. 93, item 568, No. 107, item 692, No. 121, item 770, No. 123, item 776, and of 1998, No. 66, item 431, No. 106, item 668, and No. 108, item 684, No. 137, item 887 and No. 162, items 1112, 1118 and 1126): (amendments omitted).

Article 79

The following article 5c shall be added after article 5b in article 50 of the act of 5th December 1996 on the profession of a doctor (Journal of Law 1997: No. 28, item 152 and No. 88, item 554; 1998: No. 106, item 668 and No. 162, item 1115):

"5c. The provisions of clause 1, item 3, and of article 54 shall not apply to the medical experts of the Social Insurance Institution and the medical experts of Farmer Social Security Fund.

Article 80

The following amendments shall be made to article 20 of the act of 13th October 1998 on the social insurance system (Journal of Law No. 137, item 887, No. 162, item 1118 and 1126; 1999: No. 26, item 228): (amendments omitted).

Chapter 13

Interim and final provisions

Article 81

1. Sicknes allowances, for which the insured had become eligible before the act came into effect, shall be paid in the amounts, on principles and in the procedure defined in the hitherto binding provisions, for the entire period of uninterrupted incapacity to work.
2. The provision of clause 1 shall apply to the rehabilitation allowance, compensatory allowance, maternity benefit and guardianship allowance.
3. In establishing the amount of the rehabilitation allowance, granted after the period of receiving the sickness allowance established pursuant to the hitherto binding provisions, the sickness benefit assessment basis determined pursuant to the hitherto binding principles shall be taken into account.

Article 82

The periods of social insurance, entitling to cash benefits in illness and maternity before the act came into force, shall be included in the sick leave insurance, referred to in article 4, if the interruption between the periods or between them and the sick leave insurance does not exceed 30 days.

Article 83

1. The right to allowances may also be established on the basis of medical certificates, referred to in the hitherto binding provisions, issued by 30th September 1999 by doctors not authorized by the Social Insurance Institution to issue opinions, pursuant to article 53, clause 1, in consideration of clause 2.
2. The original of the medical certificate, referred to in clause 1, shall contain information defined in article 57, instead of the statistical number of an illness.
3. The provisions of clauses 1 and 2 shall apply accordingly to the remuneration for the period of incapacity to work, referred to in article 92 of the Labour Code.

Article 84

1. By the time of issuing the act referred to in article 1, clause 2, the right to the sick leave benefit for the period of incapacity to work due to an accident at work or to an occupational disease shall be granted pursuant to the principles defined herein, in consideration of clauses 2 through 4.
2. The following persons shall acquire the right to sickness benefit from the first day of their sick leave insurance:
 3. The monthly sick leave benefit shall amount to 100% of the assessment basis of the benefit.
 4. The principles for considering an accident to be an accident at work or an illness to be an occupational disease are defined in separate provisions.
 5. The outlays on sick leave benefits are financed from the accident fund, established pursuant to the provisions of the act, referred to in article 1, clause 1.
6. The provisions of clauses 1 and 3 through 5 shall apply accordingly to the rehabilitation allowance for the period of incapacity to work due to an accident at work or occupational disease.

Article 85

1. The following provisions lapse:
 - 1) The act of 17th December 1974 on social insurance benefits in illness and maternity (Journal of Law 1983: No. 30, item 143; 1985: No. 4, item 15; 1986: No. 42, item 202; 1989: No. 4, item 21 and No. 35, item 192; 1991: No. 104, item 450, No. 106, item 457 and No. 110, item 474; 1995: No. 16, item 77; 1998: No. 162, item 1118);
 - 2) article 6, clause 1, item 2, and 8, clause 2, items 1 and 2, and clause 5, article 7, articles 9 through 11 and article 36 through 38 of the act of 19th December 1975 on social insurance of persons engaged on an agency contract or short-term job contract (Journal of Law 1995: No. 65, item 333 and No. 128, item 617; 1996: No. 100, item 461; 1997: No. 28, item 153; 1998: No. 137, item 887 and No. 162, item 1118);
 - 3) article 3, clause 1, items 2 and 10, clause 2, items 1 and 2, article 4 and articles 6 through 10 of the decree of 4th March 1976 on the social insurance of the members of farming production co-operatives and co-operatives of farmers' societies (Journal of Law 1983: No. 27, item 135; 1989: No. 35, item 190; 1990: No. 36, item 206; 1991: No. 104, item 450; 1995: No. 4, item 17; 1996: No. 100, item 461; 1997: No. 28, item 153; 1998: No. 162, item 1118);
 - 4) article 5, items 2 and 8, articles 7, 13 through 14, article 15, clause 1, and article 30 of the act of 18th December 1976 on the social insurance of persons engaged in business activities and their families (Journal of Law 1989: No. 46, item 250; 1990: No. 36, item 206; 1991: No. 104, item 450 and No. 110, item 474; 1995: No. 4, item 17; 1996: No. 100, item 461 and No. 124, item 585; 1997: No. 28, item 153; 1998: No. 106, item 668, No. 137, item 887 and No. 162, item 1118);

- 5) Article 7, clause 1, item 2, clause 2, item 2, and clause 3, article 9, articles 18 through 20 and article 23 of the act of 17th May 1989 on the social insurance of the clergy (Journal of Law No. 29, item 156; 1990: No. 36, item 206; 1991: No. 104, item 450; 1995: No. 4, item 17; 1996: No. 100, item 461; 1997: No. 28, item 153; 1998: No. 137, item 887 and No. 162, item 1118).
2. Until the issuing of executory provisions provided for herein, the provisions of execution acts issued pursuant to the act referred to in clause 1, item 1, shall remain binding, unless they are in contradiction with this act.

Article 86

The act comes into force on 1st September 1999, with the exception of:

- 1) articles 54, 56, 59, 79 and 83 come into effect after 14 days since the publication date;
- 2) article 80 comes into force on 1st November 1999.

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changing the provisions of the act on social insurance benefits in illness and maternity and of some other acts².

Article 12

1. Sick leave allowances, for which the insured had become eligible before the act came into effect, shall be paid in the amounts and on conditions defined in the hitherto binding provisions, for the entire period of uninterrupted incapacity to work.
2. The period of payment of the sick leave allowance, referred to in clause 1, cannot be shorter than 182 days, and when the allowance period is prolonged, it cannot exceed 270 days, or 360 days in the case of incapacity to work due to tuberculosis.
3. The provision of clause 1 shall apply accordingly to the rehabilitation allowance, compensatory allowance, maternity benefit and guardianship allowance.
4. In establishing the amount of the rehabilitation allowance, the right to which was vested before the act came into effect and granted after the period of receiving the sickness allowance, the sickness benefit assessment basis determined pursuant to the hitherto binding principles shall be taken into account.
5. In the case the allowance reception is discontinued or the type of received allowance is changed after the act comes into effect, the provisions of article 43 of the act referred to in article 1 hereof shall not apply.

². Translator's note: All amendments introduced in this act are already included in the text above, with the exception of Article 12 presented below.