

Sickness benefits

sickness allowance,
rehabilitation benefit,
compensatory allowance



SOCIAL
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Who is entitled to sickness benefits?

You will receive sickness allowance and rehabilitation benefit if you are e.g. an employee, a contractor or an entrepreneur. Compensatory allowance is available only to employees.

The right to sickness benefits depends on whether you are covered by (sickness, accident) insurance. If you run a business and are not obliged to pay sickness insurance contributions, it depends also on whether you voluntarily pay these contributions.

If you are an employee or a contractor, your employer or your principal respectively pays contributions for you. If you are an entrepreneur, you have to pay them by yourself.

Who is covered by sickness and accident insurance?

The table shows only selected groups of insured persons. More information about the insurance can be found on the website: www.zus.pl.

Sickness insurance		Accident insurance
compulsory	voluntary	compulsory
<ul style="list-style-type: none"> employees (excluding judges and public prosecutors) contractors if they have entered into a contract with their employer or with another employer but still work for their employer members of agricultural production cooperatives and agricultural circles cooperatives persons undergoing alternative military service. 	<ul style="list-style-type: none"> entrepreneurs, i.e. persons who run a non-agricultural business (if they have not suspended their business) and persons cooperating with them contractors (if they do not work for their employer) homeworkers (persons engaged in outwork) persons in gainful employment – on the basis of referral to work while serving a prison sentence or during temporary detention members of the clergy doctoral students receiving a doctoral scholarship 	<ul style="list-style-type: none"> employees (excluding judges and public prosecutors) contractors entrepreneurs, i.e. persons who run a non-agricultural business (if they have not suspended their business) and persons cooperating with them doctoral students receiving a doctoral scholarship <p>Note! Homeworkers are not eligible for accident insurance.</p>

Sickness allowance

Sickness allowance may be paid for a maximum of 182 days. If you have tuberculosis or if your incapacity for work occurs during pregnancy, you will receive the allowance for a longer period – up to 270 days.

Employees receive sick pay prior to the allowance

If you are an employee, you are entitled to sickness allowance from the 34th day of incapacity for work in a given calendar year, and if you are over 50 years old – from the 15th day of such incapacity.

For a period up to 33 days of sickness a year – or up to 14 days of sickness a year – you are entitled to a sick pay financed by the employer. This results from Article 92 of the Labour Code. The shortened 14-day period of sick pay applies from the calendar year following the year in which you have reached 50 years of age.

The allowance is usually payable after 30 or 90 days of insurance

The sickness allowance is granted after the so-called qualifying period, i.e. following the specified period of time after starting employment and contributions payment. The qualifying period equals:

- 30 days – if you are an employee or a person compulsorily insured under another title (see table on p. 2),
- 90 days – if you are e.g. a contractor or an entrepreneur, i.e. a person who is subject to voluntary sickness insurance (see table on p. 2).

The qualifying period includes previous periods of employment and sickness insurance coverage, for example previous periods completed under an employment contract. This is possible provided that the gap between them does not exceed 30 days or – if longer – was due to child care leave, unpaid leave, or active military service by a non-professional soldier.



The maximum allowance period is 182 days. In case of tuberculosis or if incapacity for work occurs during pregnancy, the allowance period is longer – it may be up to 270 days.

Sometimes the allowance may be granted without any qualifying period

30- or 90-day period after starting employment (and insurance) is not always required to be granted the allowance. The law provides for situations where the allowance may be granted earlier. The allowance is granted without a qualifying period:

- to graduates of tertiary-level schools or persons who have completed their education at a doctoral school; they are entitled to sickness allowance from the first day of sickness insurance if they have been covered by sickness insurance or have joined sickness insurance within 90 days from the date of completing education at tertiary-level or doctoral school,
- to employees who have been previously employed by other employers for at least 10 years; this also applies to other persons who are compulsorily insured (see table on p. 2), if they have completed at least 10 years of compulsory insurance,
- if incapacity for work was a result of an accident on the way to or from work,
- to Members of Parliament and senators who have joined sickness insurance within 90 days from the date of the end of their term of office,
- to Customs Service officers who have become employees of the organisational units of the National Revenue Administration.

The allowance may be also granted after termination of employment

Generally, you are entitled to the allowance if you fall ill during your employment and insurance period, e.g. during the period of running your own business, employment under an employment contract or a contract of mandate, under which you pay sickness insurance contributions. However, sometimes you will be granted the allowance even though you are no longer employed and insured. You will be entitled to sickness allowance also if you became ill:

- while being still insured (e.g. during the period of your employment, running your own business) and the sickness continues after cessation of your insurance,
- after cessation of your insurance (after termination of employment or closing down own business), but you meet the additional requirements regarding the duration of your incapacity for work and the date of its occurrence. The incapacity must last for an uninterrupted period of at least 30 days and must occur:
 - not later than 14 days after termination of employment / cessation of the insurance, or
 - not later than within 3 months from the termination of employment / cessation of the insurance in case of infectious disease or other disease of which symptoms appear after a period longer than 14 days from the onset of the disease.

You will not receive sickness allowance for the period after termination of employment / cessation of insurance, inter alia after termination of employment, if you are incapable of work and:

- have the established entitlement to an old-age or disability pension,
- continue or have started gainful activity, under which you are or may be covered by sickness insurance (see table on p. 2) or which entitles you to sickness benefits,
- are entitled to unemployment benefit, pre-retirement allowance or benefit, teacher's compensation benefit,
- have not acquired the right to allowance during the insurance period because you have not completed the qualifying period (30 or 90 days),
- are covered by the compulsory social insurance for farmers.

In case of an accident at work or an occupational disease – the immediate entitlement to the allowance

If incapacity for work is caused by an accident at work or an occupational disease, you are entitled to sickness allowance from the first day of your incapacity. In such case, you are entitled to the benefit from accident insurance, not sickness insurance (see table on p. 2). In this situation, your sickness allowance will not be preceded with the sick pay payable by your employer. You are also not obliged to complete the qualifying period, i.e. a specified period of employment and insurance, on which the right to the allowance depends.

The allowance payment period is limited

You are entitled to the allowance for a maximum period of 182 days, and if your incapacity for work is caused by tuberculosis or occurs during pregnancy – a maximum of 270 days. The allowance payment period is called the allowance period.

It includes:

- periods of uninterrupted incapacity for work, regardless of the reason for each period of incapacity,
- periods of previous incapacity for work due to the same sickness if the gap between the end of the previous and the appearance of the new incapacity does not exceed 60 days.

Sometimes allowance payment is excluded

You will not receive sickness allowance:

- for periods of incapacity for work when you retain the right to remuneration under special provisions,
- during unpaid leave, child care leave, temporary detention or when serving a prison sentence,
- if your incapacity for work is the result of an intentional offence or petty offence,
- for the first 5 days if your incapacity for work was caused by alcohol abuse,
- in the event of misuse of sick leave.

You will also not receive sickness allowance if your incapacity for work is caused by an accident at work or an occupational disease and you

run a non-agricultural business, cooperate with a person who runs such a business or are a clergyman who pays his own insurance contributions, and you are in arrears with the payment of social insurance contributions exceeding PLN 6.60. The indebtedness is determined as at the day of the accident or the day of submitting the claim for the allowance in respect of occupational disease. You are not entitled to the allowance until the entire debt is repaid. If the entire debt is repaid:

- within 6 months from the day of the accident or from the day of submitting the claim for benefits in respect of occupational disease, respectively – you will receive the allowance for the entire period of incapacity,
- only after 6 months from the day of the accident or the day of submitting the claim for benefits in respect of occupational disease, respectively – you will receive the allowance only from the date of repayment of the entire debt (the allowance for the period before that date is time-barred, which means that you may not claim its payment from ZUS).

Although a given event is recognised as an accident at work, you will not receive sickness allowance from accident insurance in the full amount (100% of the calculation basis), if you:

- have infringed the occupational health and safety regulations – intentionally or due to gross negligence – and this was the sole cause of the accident,
- are intoxicated with alcohol or under the influence of narcotic drugs or psychotropic substances and this condition will contribute to the accident,
- refuse to undergo an examination (if you are suspected of being intoxicated with alcohol or under the influence of narcotic drugs or psychotropic substances).

Documents needed to receive the allowance

The basic document that entitles you to sickness allowance is a medical certificate, which you may obtain:

- in the form of an electronic document (e-ZLA),
- as a printout of an electronic document (e-ZLA printout),
- as a printout of the medical certificate form obtained from the ICT system, if it was not possible to issue the e-ZLA medical certificate (i.e. medical certificate issued in the alternative manner).

The allowance payable by ZUS may be granted and paid if it is additionally accompanied with a certificate of the contribution payer issued on the form:

- Z-3 – if you are an employee,
- Z-3b – if you run a non-agricultural business, cooperate with persons running such a business or you are a clergyman,
- Z-3a – in case of other insured persons.

Under the Z-3 document, the contribution payer must submit to ZUS the insured person's claim for the allowance. However, if you run a non-agricultural business, cooperate with a person running such a business, you are a clergyman who pays his own insurance contributions or if you claim sickness allowance after termination of employment / cessation of the insurance, you must submit the allowance claim directly to ZUS – on the form ZAS-53 or e.g. in the form of the e-ZLA printout.

Procedure for issuing e-ZLA

There are two procedures available to the contribution payer (e.g. employer, principal) if a doctor has issued an e-ZLA medical certificate. The procedure depends on whether the payer has a payer's profile on the ZUS Electronic Services Platform (PUE ZUS) or not. These two procedures are as follows:

- payment of the sickness allowance on the basis of e-ZLA or a medical certificate issued in an alternative manner – if the contribution payer has the payer's profile on PUE ZUS,
- payment of the allowance on the basis of an electronic printout of the certificate (the e-ZLA printout) or a medical certificate issued in the alternative manner – if the contribution payer does not have the payer's profile on PUE ZUS.

Rehabilitation benefit

You may receive the benefit if you have used up all of your sickness allowance period but you are still incapable of work, and there is a good prognosis as to restoration of your earning capacity as a result of further medical treatment or rehabilitation. You are entitled to this benefit for a maximum of 12 months (360 days).

The need for the rehabilitation benefit must be certified by ZUS evaluating doctor. However, you must earlier submit a benefit claim. You should do this on ZNp-7 form in the ZUS branch competent for your place of residence. You must also attach to your benefit claim, inter alia, a health certificate (OL-9 form) filled in by the physician in charge of your therapy.

Sometimes ZUS has to refuse

You are not eligible for the rehabilitation benefit:

- if you are entitled to an old-age or disability pension, health leave, unemployment benefit, pre-retirement allowance or benefit or teacher's compensation benefit,
- for periods in which you are entitled to remuneration under special provisions,
- during unpaid leave, child care leave, temporary detention or when serving a prison sentence,
- if your incapacity for work is the result of your intentional offence or petty offence,
- if you misuse the period for which the benefit was granted.

In addition, you are not entitled to the rehabilitation benefit if, after termination of your employment, e.g. after termination of employment with or without notice, you start or continue gainful employment or are compulsorily covered by the social insurance for farmers.

You will also not receive the benefit if you run a non-agricultural business, cooperate with a person running such a business, if you are a clergyman who pays his own insurance contributions, and on the day of an accident at work or on the day of submitting the claim for the allowance in respect of occupational disease, you are in arrears with the payment of social insurance contributions exceeding PLN 6.60. You are not entitled to the benefit until the entire debt is repaid.

If the entire debt is repaid:

- within 6 months from the day of the accident or from the day of submitting the claim for benefits in respect of occupational disease, respectively – you will receive the allowance for the entire period of incapacity,
- only after 6 months from the day of the accident or the day of submitting the claim for benefits in respect of occupational disease, respectively – you will receive the benefit only from the date of repayment of the entire debt (the benefit for the period before

that date is time-barred, which means that you may not claim its payment from ZUS).

Compensatory allowance

The compensatory allowance is available only to employees. You can receive it if your remuneration has been reduced as a result of undergoing vocational rehabilitation.

Establishing the difference

The compensatory allowance is a difference between the average monthly remuneration of an employee before receiving this allowance and the monthly remuneration received during vocational rehabilitation.

Example

Michael earned an average of PLN 3,000 for 12 months before his sickness (this amount was calculated on the basis of his monthly remuneration reduced by the deducted social insurance contributions). During his vocational rehabilitation, his monthly remuneration is PLN 2,000 (remuneration reduced by the deducted social insurance contributions). Michael's compensatory allowance is PLN 1,000 (PLN 3,000 – PLN 2,000 = PLN 1,000).

You must remember that:

- you are entitled to the compensatory allowance during the period of vocational rehabilitation, but no longer than 24 months,
- the need to undergo vocational rehabilitation must be certified by the doctor of the voivodeship occupational medicine centre or ZUS evaluating doctor,
- you are not entitled to the compensatory allowance if you are eligible for the old-age or disability pension.

How the sickness allowance is calculated

The sickness allowance is a certain percentage of:

- your average remuneration before incapacity for work (from a period of 12 calendar months or from the actual employment

period if you have been employed for less than 12 months) – if you are an employee,

- the average monthly calculation basis for the sickness insurance contributions before incapacity for work (from 12 calendar months or from the actual employment period if you are insured for less than 12 months) – if you are insured for another reason (e.g. you are a contractor or you run a business).

The percentage used to calculate the allowance is shown in the table on p. 14.

Allowance calculation for employees

You can check for yourself the allowance amount you will receive (before the employer or ZUS calculates it). The following example will help you in this.

Example

Andrew, with a five-year employment period, was ill from 3 to 12 July 2019 (10 days) and is entitled to sickness allowance for this period. In the period between July 2018 and June 2019 (12 months preceding his sickness) he earned PLN 3,000 gross monthly, and in December 2018 he received a bonus in the amount of PLN 4,000.

In order to calculate the allowance amount, take the following steps:

1. **First determine the period from which you will calculate the average monthly remuneration.**

Usually, it will be the remuneration for 12 calendar months preceding the month in which the incapacity for work occurred. If your employment (or insurance) period was shorter, the actual period of employment (insurance) – full calendar months – is taken into account.

Example

For Andrew we determine the average monthly remuneration from 12 months preceding his sickness, i.e. we take into account the remuneration for the period between July 2018 and June 2019.

2. **Then determine your remuneration (revenue) for each month.**

In the case of employees, the remuneration – or more precisely, revenue, which is the calculation basis for the sickness insurance contributions – is the amount reduced by contributions deducted

by the employer for pension and disability insurance, as well as sickness insurance, financed from the employee's funds (13.71%).

Example

The monthly remuneration of Andrew and the bonus paid to him less the deducted contributions amounted to:

$\text{PLN } 3,000 - (\text{PLN } 3,000 \times 13.71\%) = \text{PLN } 2,588.70$

$\text{PLN } 4,000 - (\text{PLN } 4,000 \times 13.71\%) = \text{PLN } 3,451.60$

$(\text{PLN } 12 \times 2,588.70) + 3,451.60 = \text{PLN } 34,516$

Thus, Andrew's revenue amounted to PLN 34,516.

IMPORTANT!

In the case of **insured persons other than employees**, account is taken of revenue from which sickness insurance contributions were deducted, reduced by 13.71%.

3. **Then divide the remuneration (for the period of 12 months or shorter, if your employment period was shorter) by the number of months** in which it was earned. The result is called the **monthly allowance calculation basis**.

Example

The allowance calculation basis for Andrew is the amount of PLN 2,876.33 ($\text{PLN } 34,516 : 12 = \text{PLN } 2,876.33$).

4. **Using this calculation basis, calculate the allowance amount.** It is an appropriate percentage of this basis (see the table on p. 14). Remember that you are entitled to the allowance for every day of incapacity for work, also for non-working days, and that **the allowance calculation basis for one day of sickness is 1/30th of the monthly allowance calculation basis**.

Example

When calculating the allowance for Andrew, it is necessary to divide the allowance calculation basis (PLN 2,876.33) by 30 ($\text{PLN } 2,876.33 : 30 = \text{PLN } 95.88$) – the result is the allowance calculation basis for one day. Assuming Andrew is entitled to the allowance equal to 80% of the calculation basis, the allowance for one day will be PLN 76.70 ($\text{PLN } 95.88 \times 80\%$). Due to the fact that Andrew was ill for 10 days, he will receive an amount of PLN 767

(PLN 76.70 × 10). However, assuming Andrew was in the hospital at that time, he will be entitled to the allowance equal to 70% of the calculation basis. The allowance for one day will then amount to PLN 67.12 (PLN 95.88 × 70%), i.e. Andrew will receive PLN 671.20 (PLN 67.12 × 10 days) for 10 days.

An advance for personal income tax is deducted from the allowance.

IMPORTANT!

You can calculate your allowance this way, if you do not receive, inter alia, remuneration components for periods longer than one month, you are entitled to all remuneration components indefinitely and if you do not receive any remuneration components during the allowance period.

Allowance calculation if you are not an employee

If you are insured but not as an employee (e.g. you are a contractor, you run a non-agricultural business, you cooperate with a person running such a business, or you are a clergyman), your allowance is calculated in a different way. It is a percentage of the amount determined as the average monthly calculation basis for sickness insurance contributions from the last 12 calendar months before the occurrence of incapacity for work. Amount of calculation basis for each month must be reduced by 13.71%.

If you are insured for less than 12 months:

- you are covered by special rules determining the amount on which the allowance is calculated – if you run a non-agricultural business, cooperate with a person running such a business, if you are a clergyman or you cooperate with contractors,
- the allowance will be calculated on the average monthly calculation basis for the sickness insurance contributions from the actual period over which you were covered by insurance before the incapacity for work occurred – if you are insured but not as an employee (e.g. contractor).

For more information about the rules determining the allowance calculation basis for employees and insured persons other than employees, please visit the website www.zus.pl.

The rehabilitation benefit is paid based on the same amount on which the sickness allowance has been calculated, with one difference.

The sickness allowance calculation basis is subject to indexation with the use of the indexation rate. This rate is announced by the President of ZUS for each quarter (e.g. in the third quarter of 2019 it was 108.1%).

Amount of the sickness allowance:

Percentage rate of the allowance	Circumstances that affect the percentage rate of the allowance
100%	<ul style="list-style-type: none"> • if the incapacity for work occurs during pregnancy • if the incapacity for work is a result of an accident on the way to or from work • if the incapacity for work is caused by an accident at work or an occupational disease • if the incapacity for work is a result of undergoing necessary medical examinations provided for potential cell, tissue and organ donors and a result of undergoing operation for its extraction • in the above mentioned cases also for the period of hospital stay
70%	<p>for the duration of hospital stay, unless:</p> <ul style="list-style-type: none"> • the stay was caused by the circumstances mentioned above, therefore the allowance rate is 100% of the calculation basis • the stay concerns an employee (a homemaker, a person undergoing alternative military service) who is over 50 years of age – in this case the allowance rate for the period of hospital stay from 15th to 33rd day of incapacity for work in a calendar year is 80% of the calculation basis (this amount is due from the calendar year following the year in which the person has reached 50 years of age)
80%	<ul style="list-style-type: none"> • in cases other than specified above, including also allowance for the period of hospital stay – from 15th to 33rd day of incapacity for work in a calendar year – of an employee (as well as a homemaker and a person undergoing alternative military service) who is over 50 years of age

Amount of the rehabilitation benefit

Percentage rate of the benefit	Circumstances that affect the percentage rate of the benefit
90%	<ul style="list-style-type: none"> • for the first 3 months (90 days) of receiving the benefit
75%	<ul style="list-style-type: none"> • for the remaining period
100%	<ul style="list-style-type: none"> • during pregnancy • if incapacity for work is caused by an accident at work or an occupational disease

Who pays sickness benefits

The right to benefits and their payment are determined by:

- contribution payers (e.g. employers, principals)
 - if they employ more than 20 persons and have registered them in ZUS for sickness insurance coverage,
- branches of the Social Insurance Institution in the case of:
 - employees and contractors whose contribution payers (e.g. employers, principals) have registered no more than 20 persons for sickness insurance purposes,
 - persons running a non-agricultural business and persons cooperating with them,
 - members of the clergy,
 - persons entitled to allowances for the period after termination of employment / cessation of the insurance,
 - persons covered by sickness insurance in Poland due to employment with a foreign employer.

Legal basis:

- the Act of 25 June 1999 on cash social insurance benefits in respect of sickness and maternity (Journal of Laws of 2019 item 645, as amended),
- the Act of 30 October 2002 on social insurance in respect of accidents at work and occupational diseases (Journal of Laws of 2019 item 1205, as amended),
- Regulation of the Minister of Family, Labour and Social Policy of 8 December 2015 on the scope of information about circumstances affecting the right to social insurance allowances in respect of sickness and maternity or their amount and documents necessary to grant and pay the allowances (Journal of Laws of 2017, item 87).

This is an informative leaflet and is not an interpretation of the law.

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www.zus.pl

The handbook of Polish social insurance system



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The most important information about Polish social insurance system available in English

ZUS's library: PDF versions of leaflets, pamphlets, handbooks (selected publications available in English)

Accessible to people with disabilities



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- website in English: <https://lang.zus.pl/en/>
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