
Reports

Staff Papers and Presentations

1-1-1993

Suggested Revisions to the Polish Social Welfare Law

Christopher J. O'Leary
W.E. Upjohn Institute, oleary@upjohn.org

W.E. Upjohn Institute

Follow this and additional works at: <https://research.upjohn.org/reports>

Citation

O'Leary, Christopher J. 1993. "Suggested Revisions to the Polish Social Welfare Law." Report prepared for the National Labor Office and Ministry of Labor and Social Policy, Warsaw, Poland.

This title is brought to you by the Upjohn Institute. For more information, please contact repository@upjohn.org.

Suggested Revisions to the Polish Social Welfare Law

*A report submitted in partial fulfillment of the terms
of deliverable D5 under the contract for TOR 2
which operates using a loan from the World Bank.*

October 1993

Prepared for:

National Labor Office
ul. Tamka 1
00-349 Warsaw
Poland

Ministry of Labor and Social Policy
Nowogrodzka 1/3
00-513 Warsaw
Poland

Prepared by:

W. E. Upjohn Institute for Employment Research¹
300 South Westnedge Avenue
Kalamazoo, Michigan 49007
U.S.A.

Christopher J. O'Leary, Project Director

¹This report was written by Christopher J. O'Leary, Senior Economist, W. E. Upjohn Institute for Employment Research. All views expressed in the report are those of the author who accepts responsibility for all errors and omissions.

Suggested Revisions to the Polish Social Welfare Law

TABLE OF CONTENTS

SECTION	PAGE
I. Introduction	1
II. Manner in which the Social Welfare Law was Examined	2
III. Suggested Revisions to the Polish Social Welfare Law	3
IV. A Restatement of Proposed Changes in the Unemployment Compensation System	8
V. Summary	10
References	12
Appendix A: Revised English Version: Social Welfare Act	A-1
Appendix B: Original English Version Compiled: Social Welfare Act	B-1

I. Introduction

This document is submitted in partial fulfillment of the terms of deliverable D5 under the contract for TOR 2 which is paid for with money from a World Bank loan. This is the second and last deliverable for part D5. The first deliverable was presented in July, 1993 and was entitled *Suggested Rules for an Unemployment Insurance Law for Poland*. This second deliverable suggests areas where the Welfare Law in Poland might be changed.

Properly, the two deliverables for D5 are closely related. Unemployment compensation is usually considered to be part of a country's social welfare system. Indeed, it was the Social Security Act of 1935 which included the first provisions for a federal-state system of unemployment insurance (UI) in the United States. A more recent example of the linkage between these programs is given in the World Bank (1993) examination of welfare programs in Poland which includes a discussion of unemployment compensation. Given the close relationship between the two parts of deliverable D5, it is appropriate that the main suggested revisions in the Polish UI law be restated in this report. Those recommendations are concisely restated in Section IV of this report.

Aside from unemployment benefits, government welfare payments may be grouped into five categories: (1) sickness benefits, (2) disability and survivors pensions, (3) retirement pensions, (4) family allowance, and (5) social assistance. The main goal of the programs which provide these income transfer payments is to improve social equity by relieving poverty and smoothing income over the life cycle. In designing programs to meet these goals it is important that negative impacts on economic efficiency are minimized. Concerning benefit recipients, the biggest danger is a reduced incentive for labor supply.

The suggested revisions to the Polish Welfare Law are given in this report focus on ways to improve incentives for employment. This emphasis is the one agreed on during the contract negotiations for TOR 2. It is the natural focus for review of welfare programs in the context of the overall project, since TOR 2 deals with labor market programs.

II. Manner in which the Social Welfare Law was Examined

This report presents a list of suggested changes in the government acts and ministerial orders concerning social welfare provisions in effect in Poland in 1993. The provisions examined are: (1) the Social Welfare Act of 29 November 1990 with later amendments as of 4 January 1993, (2) Order 62 of the Minister of Labor and Social Policy of 2 February 1993, (3) Order 63 of the Minister of Labor and Social Policy of 2 February 1993, and (4) Appendix to Order 63 of the Minister of Labor and Social Policy of 2 February 1993. The suggestions are based on the authorized English translations of the provisions. These translations were provided to the W. E. Upjohn Institute for Employment Research in several separate parts. Appendix B to this report presents the compiled version of this original collection of translations and is called "Original English Version Compiled." Appendix A provides an edited version of this original and is called "Revised English Version." Editing was done to improve the readability and clarify the meaning of the provisions for the reader of the English version. The edited version is provided to improve communication about changes to the Social Welfare Law between all interested parties conversant in English.

It should be emphasized that the recommended revisions to Polish social welfare laws proposed in this report are based entirely on study of the English translations of the Act and Orders listed in the previous paragraph and compiled in the attached appendices. Furthermore, the recommendations given here focus on improving employment incentives. Policy analysts considering revision of Polish welfare laws should be sure to closely study the comprehensive report prepared by the World Bank (1993) entitled *Poland: Income Support and the Social Safety Net during the Transition*. The World Bank report was based on a series of study visits to Poland between 1989 and 1992, which focused on the social welfare system and involved seven experts in social welfare policy. The present report should be viewed as complementary to the World Bank report.

III. Suggested Revisions to the Polish Social Welfare Law

The following is a list of nineteen (19) substantive comments aimed at improving the employment incentives in rules for Polish social welfare programs:

1. In Article 3 point 5 concerning eligibility for welfare depending on unemployment. This condition should be more completely specified. For example point 5 might read:

Unemployment after exhaustion of other means of support available through Programs of Labor Market Policy and while continuing search for work including use of the placement service and other appropriate means;

2. Article 24 provides for assistance to aid self employment of disability compensation and welfare recipients. The money may be given as a grant or a loan depending on the decision of the community agency. In point 4 it says that such assistance may be denied if offer of a job or training is refused. It should be explicitly stated that refusal of these offers from the Placement Service or Labor Center is grounds for denial. That is the welfare authority and benefits, should be linked to the national employment agency—the system of labor offices (SOLO).

3. In Article 27 point 1, it should be stipulated that a permanent allowance may be changed if an old or disabled person gains reemployment. Indeed, there should be a positive incentive for reemployment in that the allowance is not reduced to zero, so that a person is always better off if they are working. A model for this type of rule is the partial benefit formula proposed in O’Leary (1993).

Similar stipulations should be made for the other points in Article 27. Point 2 concerns people away from work to care for disabled children, and point 3 concerns people who become disabled prior to age 18 without work experience. In both of these stipulations it should also be recognized that conditions are never completely permanent—situations

change. For example, sometimes physical work place arrangements change allowing disabled people to fully function at work.

4. Article 28 point 2, provides that a welfare recipient be paid 30 percent of their regular allowance while in detention for committing a crime, or more if the amount is needed to cover housing allowance. All allowance payments should be suspended for people incarcerated for violation of laws. Is it the case that for example, people in jail in Poland must pay for their cell and meals? Since people who were employed before being jailed have no income during jail, why should people who were receiving an allowance continue to receive even a part?

5. Article 29 provides for a supplement in the amount of 9 percent of average pay to be given to (1) permanent disabled persons, (2) persons over 75 years of age, and (3) women pregnant beyond 18 weeks, why in any of these cases is a supplement given? Is the standard allowance generally inadequate? In particular, why should those with a permanent disability be given a supplement?

6. Article 31 concerning temporary social assistance under point 1.c should explicitly require continued use of all reemployment services available through the system of labor offices (SOLO).

Also Article 31 says that a temporary grant may be given for other justified reasons. Who decides what reasons justify such a payment? This should be clearly specified. Great care should be taken in making temporary grants. Reemployment incentives should be explicitly included if possible.

7. In Article 32 point 1, it is not clear what is meant by "particular important need." More specifics should be given.

8. Articles 34 to 36 in Chapter 2 concern reimbursement of benefits. It is presumed that all payments will be reimbursed or does this only apply to payments made in error. I can see the reasoning behind holding a beneficiary, his estate (heir), and spouse liable for payments made in error, but why should an antecedent (parent) or descendent (child) be held responsible?

9. Article 34 point 3 states that allowances are returnable in part or in whole if income per head exceeds the minimum old age pension. It is not clear whether this refers to income at the time of the allowance, or to income after the allowance has been granted. Ideally welfare beneficiary status should be a temporary condition, the system should not have rules built in which create incentives to stay on welfare. A person should always be able to be better off by working. Requiring welfare allowances to be repaid once regular work resumes is a strong incentive against reemployment and for lengthening the duration of welfare benefit receipt.

10. In Article 35 the charge for placement in a social assistance house is fixed. This will create a problem in very high cost areas where social assistance houses will be either of low quality or unavailable because potential operators see no reward in providing such services, while in low cost areas social assistance houses may become an excessively profitable industry. This could also influence the geographic patterns of domicile for social assistance recipients.

11. In Article 39 descendants (children) and antecedents (parents) should not be personally responsible for providing a level of assistance for a person applying for a benefit. These burdens could cause employment incentive problems for children and parents. Welfare payments should be grants provided socially to aid the immediate situation. Repayment schemes should not be included as they will influence future labor supply decisions.

12. Article 40 declares support payments by parents and children to be dues of obligated people. This should be the case for absent parents when children are below the age of legal adulthood. However, children should not be obliged to make parental support payments.

13. Article 41 gives a provision for relief when dues are excessive as judged by a competent organ. This whole pricing is excessive and unnecessary. Again, the only instance where such enforcement is necessary is in the case of absent parents when children are below the age of legal adulthood.

14. Article 43 point 4 designates social workers as police of income levels and assistance payments. All efforts should be made to improve incentives in the welfare system so that social workers may act in a supportive role as counselors, rather than being forced into an adversarial role.

15. Article 47 calls for coordination of social assistance agencies with private social and religious organizations. This should be formalized by a standard coordination work sheet and report.

Point 3 calls for financial support to these private social and religious agencies. This should not be allowed since these groups may advocate beliefs or practices incompatible with and beyond the control of the Polish government. While indigent people may personally choose these agencies, the government should not financially support any particular moral or religious philosophy.

16. Under Article 53 point 2.d, it might be useful to create a special reward structure for social workers employed by the government whereby cash grants or salary increases are given for ideas to improve the cost effectiveness of programs and the successful delivery of effective services. Special attention might be given to welfare to work programs.

17. Order 62 of 2 February 1993 regards allowances granted on the principle of reimbursement. Paying back a grant is a contradiction in terms for a welfare program. The obligation to repay a loan is an incentive against returning to work.

18. Order 63 of 2 February 1993 paragraph 13.1 point 3 regarding the release of 50 percent of the charge of payment for a person obliged to pay a cost for staying in a social assistance house. This is the type of incentive which should be used throughout the welfare system. In an accounting sense it increases immediate welfare costs, but should save much more money in the long run as people become reintegrated into the work force.

19. Appendix to Order 63 of 2 February 1993 point 5 calls for a general appraisal of motive power. This should be clarified or supplemented to include an appraisal of employability, it may be that a clerk or agent from the local labor center may be involved in this assessment.

As mentioned in the introduction, Appendix A presents a revised version of the compiled English translations of the Social Welfare Act and related Orders. Several minor modifications were made. Four (4) noteworthy changes are listed here:

a. Throughout the document replace the word "commune" with the word "community" (e.g. Article 11).

b. Replace the word "renumeration" (which may mean renumbering) with the word "remuneration" (meaning compensation) (e.g. Article 11).

c. In Article 32 if combustibles refers to fuel for heating the home, replace the word "combustibles" with the phrase "fuel for heating the home."

d. In Article 39, for example, the word "ascendants" should be replaced with the word "antecedents" meaning parents, grandparents and other ancestors. Even better, the phrase

"parents and grandparents" should be used. Also, the word "descendants" should be replaced with the word "children." However, as argued above many references to parents and children should be deleted since these relatives should not bear financial liability for repaying welfare benefits. Such liabilities could create serious employment incentive problems.

IV. A Restatement of Proposed Changes in the Unemployment Compensation System

To present the several proposed changes for the Polish unemployment compensation system as clearly as possible *Suggested Rules for An Unemployment Law for Poland* included a clear statement of rules for a complete UI system. No attempt was made to state the rules in a legalistic style. Instead the aim was to clearly state rules for the proposed system. In many cases explicit formulae or parameters were given to illustrate how the proposed system would work. Naturally the parameters could be changed to balance competing political interests, but the unified structure of the system will work best if it remains complete. The main changes embodied in the proposal were as follows:

- (1) Separate the unemployment insurance (UI) system from active labor market programs (ALPs). UI benefits should be an entitlement for persons with a work history and continuing labor force attachment—it is a passive labor market program. UI should be paid for from special tax revenues which are held in a UI trust fund. UI is the first line of defense against unemployment and the payment of benefits should be guaranteed by a promise to make loans from general revenues if needed. ALPs should be operated as discretionary programs which are paid for out of general governmental revenues with the design and funding level hanged periodically depending on economic and political conditions.
- (2) The UI program should be clearly distinct from social welfare. For example, if social policy calls for maternity benefits, they should be paid from the social

welfare fund not from the UI fund. Also, eligibility for UI benefits should not be based on the current income of the spouse or other household members.

- (3) A required waiting period (perhaps two weeks long) should be included at the beginning of the period of compensable unemployment. This acts as a kind of co-payment by the benefit recipient. It may greatly reduce benefit payments, and reduces compensation when need is the least and other sources of income are less likely to be exhausted—at the beginning of a spell of unemployment. Introduction of a waiting period will not reduce the adequacy of the unemployment support system.
- (4) To achieve a financially independent UI system based on market principles a UI tax system with "experience rating of tax rates" should be adopted.
- (5) The rule for determining benefit levels should automatically adjust the level based on changes in average wages in the economy. This rule will place cash outflows in balance with cash inflows since all wages are taxable for UI under the existing rules.
- (6) To reduce the problem of "black labor," i.e. unreported earnings by UI beneficiaries, a "partial benefits" schedule to encourage part time work with reporting of earnings by the worker should be adopted.
- (7) The system of benefit denial penalties should be stated more clearly. For example, the conditions of denial and the period of denial, temporary or permanent, should be clearly stated for as many objective cases as possible.
- (8) The system for appeals of decisions benefit eligibility decisions should be stated more clearly.

If these and the other changes embodied in the proposal are adopted the resulting unemployment insurance system should be a reliable, self-regulating, self-financing, actuarially sound system providing adequate income replacement for entitled beneficiaries.

V. Summary

This report has presented a list of suggested changes in the act and orders which govern social welfare programs in Poland. The aim of the suggested changes is to improve the social efficiency of the system without degrading the social equity improving features of the programs. A basic welfare requirement is that payments raise income at least to the poverty level, the principal emphasis of recommended reforms is to improve employment incentives. Among the nineteen substantive recommendations made, the following are worth repeating:

- Link welfare eligibility to use of reemployment services available from the system of labor offices (SOLO).
- Provide positive incentives for employment to all welfare beneficiaries—particularly the poor, disabled and temporary benefit recipients.
- Eliminate repayment requirements for all except payments made in error. Welfare payments should be grants provided to aid the immediate situation. Repayment should not be required as it will influence future labor supply decisions.
- Eliminate the rule which fixes compensation to providers of social assistance houses. Such a rule will create problems in the geographic patterns of adequate houses available.
- Create an explicit program of financial incentives to reward social workers who suggest policy improvements, which are adopted after review and endorsement by Ministry of Labor and Social Policy program analysts.

This report also restates the proposed changes in the Polish unemployment compensation system embodied in *Suggested Rules for An Unemployment Insurance Law for Poland*. Other ideas on welfare reform in Poland have been provided by the World Bank (1993).

References

- O'Leary, Christopher J. (1993), *Suggested Rules for an Unemployment Insurance Law for Poland*. Kalamazoo, MI: W. E. Upjohn Institute for Employment Research.
- World Bank (1993), *Poland: Income Support and the Social Safety Net during the Transition*. Washington, DC: The International Bank for Reconstruction and Development, (January).

Appendix A
Revised English Version

Social Welfare Act
of 29 November 1990

with later amendments as of 4 January 1993

**Social Welfare Act
of 29 November 1990
with later amendments as of 4 January 1993**

On 4 January 1993 the Minister of Labour and Social Policy announced the uniform text of the Social Welfare Act of 29 November 1990 (Dziennik Ustaw No. 13 of 1993, Text 60).

On this basis we present below the English version of all the amendments to the English copy of the original Act, with indication of pages (places where they should be inserted).

**PART I
General Provisions
Chapter 1
General Principles and Subject Scope of the Act**

Article 1

1. Social assistance is a state social policy institution aimed at letting individuals and families overcome difficult conditions of life which they aren't able to surmount within their own means, capabilities and rights.
2. Social assistance is organized by state and self-government administration organs, cooperating in this area with social organizations, religious and charity associations, foundations and individuals.
3. Individuals and families enjoying the opportunities provided by social assistance are obliged to cooperate in solving the life problems they are facing.

Article 2

1. The objective of social assistance is to meet primary living needs of individuals and families and to make it possible for them to exist in conditions not contrary to human

dignity. If possible, social assistance should be ultimately aimed at ensuring self-dependence of individuals and families and their social integration.

2. It is also the objective of social assistance to take preventive measures against situations as defined in Article 1, paragraph 1.
3. Nature, form and amount of a benefit should be adequate to circumstances justifying assistance granted. Social assistance benefit should also strengthen the functioning of family.
4. The needs of a person applying for social assistance should be taken into consideration unless they are unreasonable or contrary to the objectives of social assistance.

Article 3

Social assistance is granted to individuals and families on principles specified by the present Act particularly due to the following reasons:

1. Poverty;
2. Orphanhood;
3. Homelessness;
4. Need of motherhood protection;
5. Unemployment;
6. Physical or mental handicap;
7. Chronic illness;
8. Helplessness in child-rearing and running one's household, especially in incomplete and numerous families;
9. Alcohol and drug addiction;
10. Difficulties in adaptation to life after imprisonment;
11. Natural or ecological disaster.

Article 4

1. Cash benefits are granted by social assistance to those persons who do not have their own sources of maintenance, or whose income per family member does not exceed 100% of minimum pension, with simultaneous circumstances specified in Article 3, Parts 2-11.
 - 1.a. Persons and families earning their living from an agricultural farm are entitled to social assistance benefits if they have no other sources of maintenance and the area of a farm per head in a family equals not more than 2 hectares taken as the basis for calculation, with simultaneous existence of circumstances referred to in Article 3, items 2-11. For the purposes of this Act, it is assumed that the income from 2 hectares taken as the basis of calculation corresponds to the amount of the minimum old age pension.
 - 1.b. For the purposes of this Act, incomes of all persons in a household earning their living from agricultural farm and other sources outside agriculture are added together.
2. With household income meaning, the total of all the incomes earned by household members, irrespective of the title and the source. Income per head in a family, further referred to as "Income per head" is calculated as combined incomes of all persons remaining in a common household, reduced by the amount of alimonies paid to other persons and then divided by the number of persons in this household.

Article 5

To persons and families who do not comply with one of the conditions specified in Article 4, paragraphs 1 and 1.a., assistance in cash or in-kind may be granted in special justifiable cases under the condition that a part or whole of expenditures be returned on principles specified in Articles 34 and 41.

Article 6

1. Social assistance benefits may be reduced to a minimum or denied completely to persons who deliberately waste them, destroy benefits in-kind, or purposefully waste their own material resources.
2. Denial or reduction of social assistance benefit should not result in deteriorating the situation of beneficiary's dependents.
3. In justified cases and in particular if cash social assistance benefits are used in a way incompatible with their designation, a head of the social assistance center may grant them in-kind.

Article 7

1. The rights to social assistance of Polish citizens abroad are regulated by international agreements.
2. The range of social assistance to foreigners in Poland cannot infringe provisions of international agreements binding for the Republic of Poland.

Chapter 2

Objectives of Social Assistance

Article 8

Obligations in the area of social assistance comprise in particular the following:

1. Setting up of an organization for administering programs of social assistance including the development of necessary social infrastructure;
2. Analysis and assessment of social phenomena generating the demand on social assistance benefits;
3. Granting and payment of benefits provided by the Act;
4. Stimulating of social activity in meeting of primary needs of individuals and families;
5. Social work conceived as professional activity focused on the assistance to individuals and families in strengthening or recovering their ability to operate in the society, as well as providing social conditions in favor of this objective.

Article 9

1. The obligation to implement the objectives of social assistance is imposed upon the community, and as defined by respective legal provisions - on state administration.
2. The community, being under an obligation to perform social assistance tasks in compliance with provisions of the Act, cannot refuse to help the person in need, despite the existing obligation of individuals or legal entities to satisfy their primary living needs.

Article 10

1. Communities are responsible for the following tasks:
 - a. Running of social assistance houses and care centers on a local level and placement therein of persons requiring assistance (Article 19);
 - b. Granting and payment of benefits for specific purposes (Article 32);
 - c. Granting assistance in-kind (Article 32, paragraph 2);
 - (1) Granting assistance in-kind aimed at economic self-dependence (Article 24, paragraph 2);
 - (2) Granting and payment of allowances and loans aimed at economic self-dependence (Article 24, paragraph 3);
 - d. Other tasks in the area of social assistance resulting from the community's local needs.
2. Compulsory tasks of the community in the area of social assistance are the following:
 - a. Providing shelter, meal and clothing to persons deprived of these goods (Article 13);
 - b. Providing care-taking services in the place of residence (Article 17);
 - c. Covering the medical treatment expenses provisions according to regulations concerning pensioners and old-age pension holders (Article 22);
 - (1) Granting of target allowance for covering expenditures incurred in connection with unpredictable event (Article 32, paragraph 3);
 - d. Social work (Article 23 and 25);
 - e. Providing funeral services (Article 33, paragraph 2);

- f. Providing remuneration for employees implementing tasks defined in parts 1-5 and in paragraph 2.

Article 11

Tasks commissioned upon a community comprise the following:

1. Granting and payment of permanent benefits and applicable allowances (Articles 27-30);
2. Granting and payment of temporary benefits (Article 31);
3. Granting and payment of target allowance for covering of expenditures incurred in result of a natural or ecological disaster (Article 32, paragraph 4);
4. Granting of target allowance in the form of credited ticket (Article 32, paragraph 5);
5. Other tasks resulting from Governmental social assistance programs aimed at protection of individuals' and families' standard of living;
6. Setting up and maintenance of social assistance center as well as providing remuneration for employees implementing tasks defined in items 1-5.

Article 12

1. The chief of the provincial administration/the Voivod/is responsible for the following items in the area of social assistance:
 - a. Balancing needs and resources of social assistance;
 - b. Organization and financing of social assistance houses and care units at the Voivod level, and placing therein persons requiring assistance;
 - c. Specifying detailed measures to implement commissioned tasks;
 - d. Organization of professional training and improvement of social workers;
 - e. Supporting the activity of social organizations, religious and charity associations, foundations and individuals involved in social assistance;
 - f. Commissioning by agreement, tasks in the field of social assistance to bodies, referred to in Item 5, after consulting an appropriate community (gmina).
2. The chief of the Voivod administration implements obligations in the area of social assistance to foreigners staying in Poland.

PART II
Principles of Granting Benefits
Chapter 1
Social Assistance Benefits

Article 13

The community should provide shelter, meals and adequate clothing to persons deprived thereof.

Article 14

1. Providing shelter takes place through granting a temporary night's lodging.
2. Shelters are provided in particular in overnight houses, houses for the homeless and in other places.

Article 15

Providing with adequate clothing means setting up a person in need with underwear, clothes and footwear appropriate to individual features and year's season of the year.

Article 16

1. Assistance in the form of one hot meal daily may be granted to a person incapable of providing one by him or herself.
2. Assistance specified in Paragraph 1 above may take the form of a temporary benefit or be granted on an ad hoc basis.

Article 17

1. Persons living alone who due to old age, illness or other reasons require assistance of the others and are deprived thereof, are eligible for assistance in the form of care-taking services.
2. Care-taking services may be granted to those who need other persons help, this not being ensured by their families.

Article 18

1. Care-taking services comprise assistance in meeting daily living needs, basic hygienic requirements, medical services as specified by a doctor and contacts with environment, if available.
2. The appropriate community organ, when granting assistance in the form of care-taking services, shall also specify their scope.

Article 19

1. Whenever it is impossible to provide care-taking services at the place of residence, a person in need of such services or duly authorized representative may apply for a placement in social assistance house or in a care-taking unit.
2. In social assistance houses, persons can be placed who due to their age, life conditions, family, housing or material circumstances are eligible for this form of assistance. Persons with chronic illness whose state of health does not call for hospital treatment but who should be under permanent care may also be placed in social assistance houses.
3. Actions taken by authorities or by third party aimed at placing a person in social assistance house are possible only with the consent of the person being in the need of such a form of assistance, or with the consent of their legal representative. If the person in need or the legal representative does not give their consent to placement in a social assistance house or rescinds consent after the placement, the social assistance house or center informs an adequate guardianship court or public prosecutor if such a person does not have a legal representative or guardian.

Article 20

Social assistance houses provide round-the-clock care and meet appropriate welfare, health, educational, social and access to clergy and religious services of choice.

Article 21

Care-taking services may also be provided in daily assistance houses and in care centers which ensure whole-day stay, basic care, recreation and meals during the day. In above mentioned houses and centers rehabilitation activity can be carried out.

Article 22

1. Individuals who are not covered by social insurance or pension schemes may be granted assistance in the form of meeting their expenditures on medical services. Assistance may also be granted to dependents of those persons, if there is no other means of support.
2. Medical services for persons referred to in Paragraph 1, according to provisions concerning pensioners and old-age pension holders comprise the following:
 - a. Medical treatment including hospitals;
 - b. Medicines and dressings;
 - c. Appropriate orthopedic equipment and auxiliaries.
3. Assistance specified under Paragraphs 1 and 2 above does not exclude granting a benefit to meet medical treatment costs.

Article 23

1. Individuals and their families are granted assistance in the form of social work, guidance, particularly in legal and psychological aspects.
2. Individuals and their families may also be granted assistance in setting their official or other important affairs, as well as in maintaining their contact with environment.

Article 24

1. Communal organs may grant assistance aimed at economic self-dependence of an individual or a family. Related benefits may be in-kind or in cash.
2. Assistance in-kind aimed at economic self-dependence consist in leasing machines and tools enabling to set up one's own job, or an outfit to make work possible to

handicapped people. The said objects and equipment are made available by means of lease upon respective provisions of the civil code.

3. Benefits in cash aimed at economic self-dependence may be granted as a single allowance or a loan without interest. Community organ concludes an agreement specifying the conditions of loan, terms of reimbursement and securing of the repayment. The loan may be remitted in part or in whole if this may contribute to accelerate the objective of social assistance.
4. The grounds for denial of a grant or for limitation of the assistance for self-dependence may be refusal to accept adequate (according to employment provisions interpretation) job arranged for through the Placement Service or of professional training arranged for by a local labor office, by a person applying for the above mentioned assistance.
5. An individual is not eligible for economic self-dependence assistance if such an assistance has already been granted from another source.
6. On questions mentioned under Paragraphs 1-5, community organs collaborate with local labor offices.
7. The Minister of Labour and Social Policy shall determine the detailed procedure of granting assistance for economic self-dependence.

Article 25

1. Handicapped persons with limited abilities of movement or communication may be assisted within social work to enable them to play socially useful roles and to integrate with their surroundings. In particular, this may take the form of access to and use of communication means and information transfer, adjustment of apartments to limitations resulting from impairments, etc.
2. Community organs cooperate with social and religious organizations and charity associations in order to provide assistance to, and social integration of the disabled.

Article 26

Social assistance also includes an obligation to provide funeral services in a manner in conformity with community standards and the religion of the deceased.

Article 27

1. Permanent allowances are granted to persons permanently unable to work due to old age or disability, if they do not have any means of living or their income per head in a family does not exceed the amount of minimum old age pension.
2. Permanent allowances are also granted to persons who do not work or have resigned from their work to bring up children requiring permanent care and nursing. Child's state of health is assessed according to criteria specified in provisions on the right to earlier retirement of workers bringing up children requiring permanent care.
3. Permanent allowance is also granted to persons unable to take work as a result of disability which took place before reaching the age of 18 years, irrespective of material situation of a person obliged to secure alimony and irrespective of alimony and other payments due as a result of civil obligations.

Article 28

1. Permanent allowance is payable at the rate of:
 - a. 28 percent of average pay constituting the basis for recently undertaken indexation of minimum pensions, in accordance with legal provisions on the pensions' indexation, further referred to as "average pay";
 - b. the difference between the income per head in a family and the amount corresponding to the minimum old age pension.
2. A person receiving a permanent allowance at the rate determined in Paragraph 1, Item 1 and being temporarily detained or serving a penalty of deprivation of liberty, is entitled to 30 percent of the allowance. The remainder of the allowance may be, if such need arises, assigned to cover expenditures for housing of this person.

Article 29

1. Persons who have been granted permanent allowance and who have either been included to disability group 1 or have completed 75 years of age as well as pregnant women starting from the 18th week of pregnancy, are entitled to a supplement in the amount of 9 percent of average pay.
2. Supplement of 9 percent of average pay to received permanent allowance may be also granted to severely or chronically ill persons.
3. The supplement referred to in Paragraphs 1 and 2 may not be granted to persons residing at social assistance houses and persons receiving nursing allowances.

Article 30

1. Persons receiving permanent benefit are entitled to medical care on provisions specified for pensioners, old-age pension holders and their families.
2. Persons mentioned under Paragraph 1 may be granted allowance for special purpose specified in Article 32, Paragraph 2.

Article 31

1. Temporary social assistance allowance may be granted to individuals and families if the income per head does not exceed the amount corresponding to the minimum old age pension, or if financial resources are temporarily insufficient to meet their needs because of:
 - a. Protracted illness;
 - b. Disability;
 - c. Lack of employment possibilities;
 - d. Lack of entitlement to survivor's pension after the death of a person from whom alimony payments had been received;
 - e. Other justified reasons.
2. The period of time for which temporary benefit may be granted is to be specified by community organs with regard to individual circumstances.
3. Temporary allowance will be paid at a rate of up to 28 percent of average pay.

4. The Minister of Labour and Social Policy will determine by his decree, the detailed principles of granting temporary benefits.

Article 32

1. Special benefit may be granted in order to enable a person to meet a particularly important need.
2. A particular target allowance may be granted to cover either part or the whole cost of medicines, medical treatment, repairs to an apartment, fuel for heat, or clothing.
3. The target allowance may be also granted to a person or a family, who have met with a loss due to an unpredictable event.
4. The target allowance may be also granted to a person and a family, who have met with a loss due to a natural or ecological calamity.
5. The target allowance may be granted in the form of a credit ticket. Granting or refusing assistance in this form does not require issuance of a decision.

Article 33

The Cabinet (Council of Ministers) determines by order the detailed principles of granting benefits and allocating resources out of social assistance schemes within government programs aimed at protection of the living standard of individuals and families.

Chapter 2

Principles of Reimbursement of Benefits

Article 34

1. The obligation of covering the expenditures for social assistance benefits, with reservation of paragraphs 3 and 4 rests with:
 - a. A beneficiary;
 - b. An heir (from the heritage);
 - c. A spouse, descendants before ascendants (only when expenditures have not been covered in accordance with Items 1 and 2, at the amount provided in the Act for the beneficiary).

2. There is no obligation of covering the expenditures if an income per head in a family, referred to in Paragraph 1, Item 3, does not exceed the minimum old age pension.
3. Expenditures on care-taking services, medical treatment, assistance in kind and allowances for economic self-dependence as well as periodic and target allowances are returnable in part or in whole by the beneficiary if an income per head in a family exceeds the amount of the minimum old age pension.
4. Expenditures on covering funeral costs are returnable in part or in whole from the estate. If a death grant from the social insurance is paid, funeral expenditures are covered from this grant.
5. The community (gmina), in the scope of its own tasks, determines upon an individual investigation of material status of a person or family which proportion of expenditures mentioned under Paragraph 1 is subject to reimbursement.

Article 35

1. Placement in social assistance houses is charged:
 - a. The charge for a placement in social assistance houses is fixed as 200 percent of the minimum pension, however it cannot exceed 70 percent of the income of the person staying in the house.
 - b. The charge for placement of children in social assistance houses is fixed at an amount corresponding to 150 percent of the minimum pension, but not exceeding the sum corresponding to 70 percent of the income per person.
 - c. The monthly charge for placement in the social assistance house of an adult person having no income of his own is determined at the level corresponding to an amount of 200 percent of the minimum old age pension. Monthly payment may not be higher than 70 percent of an income per head in a family, including a person staying in the social assistance house or referred to such house. The payment is done, in proportion to the income per head in a family, by a spouse before descendants and ascendants. These persons are not obliged to any payments if the income per head in the family is below the minimum old age pension.

2. Charges specified in Paragraph 1 may be increased to the amount of full living costs if the standard of living and the quality of services provided by the social assistance house are at a very high level.
3. The charge for staying in daily assistance houses and care-taking centers is established at the level of board costs.
4. The Minister of Labour and Social Policy determines by Order:
 - a. Types of social assistance houses, principles of their functioning, procedure of referring persons applying for placement in a house, principles of determining charges, releasing in part or in whole from payments and the way in which charges are to be executed;
 - b. Conditions, referred to in Paragraph 2, justifying increasing charges for stay in a social assistance house.
5. Regulations in Paragraphs 1-4 are not applicable to social assistance houses and care-taking centers run by communities or their unions.

Article 36

1. Provisions of administrative procedure code with alterations resulting from the present Act apply to procedures on social assistance benefits except for those granted in virtue of agreements mentioned in Article 24, Paragraphs 2 and 3.
2. Procedures on social assistance benefits should focus on the well-being of beneficiaries as well as on the protection of their personal rights. Above all neither names of beneficiaries nor range and kind of granted benefits should be made public.

Chapter 3

Procedures on Social Benefits Payment

Article 37

1. Community organs act according to the place of permanent residence of person applying for a benefit, and in the cases of extreme urgency according to the place of temporary residence.

2. The community appropriate according to the place of permanent residence of the beneficiary is obliged to reimburse to the community which actually paid the benefit the expenditures connected with that payment.
3. Benefits specified under Articles 13, 15, 16, 17 Paragraph 1, 22, 26 and 32 Paragraph 2 of the present Act are payable in the place of temporary residence.

Article 38

1. Social assistance benefits are granted upon an application of a person in question, his/her legal representative, or of a third party upon the consent of a person in question or his/her legal representative.
2. In justified cases social assistance benefits may be granted ex officio.

Article 39

The head of the social assistance center, at the request of the social worker, may determine by agreement with a spouse, descendants or ascendants the level of their assistance for a person applying for a benefit. The amount of assistance in cash or in kind, specified in the agreement, may not be lower than the amount representing 30 percent of the benefit. In this case the provision of Article 34 Paragraph 1 Item 3 has no application.

Article 40

1. Dues in virtue of expenditures on social assistance benefits are collected compulsorily according to provisions of executive proceedings in administration.
2. The executory document is a list of dues drawn up by an appropriate organ.
3. Above mentioned list of dues as well as admonition and instruction are served to the obliged person by community. The obliged may lodge at court statement of claim that the dues do not exist in the whole or in a part, or are subject to limitation.

Article 41

In special cases, particularly if the demand to reimburse in part or in whole the expenditures on benefits would constitute for an obliged person an excessive burden, or nullify the results of the assistance, a competent organ may withdraw from the execution of the reimbursement upon an application of a social worker or a person concerned.

Article 42

Offices, courts and other institutions are obliged to make available to social workers, or to provide respective information within 7 days, on facts and circumstances bearing on the decision whether a benefit is to be granted or denied, or on the amount thereof.

Article 43

1. Decisions on social assistance matters require a written form. In special cases the decision may take an oral form, however all benefit denials must be made in writing.
2. Benefits which take the form of social work and guidance (Article 23) do not require an administrative decision.
 - a. A competent organ may change earlier issued decisions, to the disadvantage of a party, if circumstances mentioned in Articles 6 and 45 occur.
3. Decisions on granting or denial of benefits must be preceded by environmental inquiry. The Minister of Labour and Social Policy will define by decree principles of inquiry and a standard questionnaire.
4. If dramatic differences exist between the level of income claimed by a person or a family applying for assistance and the actual material situation, a head of the social assistance center may, at the request of the Social Worker, refuse granting the social assistance benefit.
5. An employee conducting family investigation may require a person or a family applying for assistance to make a declaration on incomes and material status.
6. Social assistance benefits are payable from the date of submitting an application by a person applying for social assistance, unless separate provisions on social assistance

provide otherwise or circumstances mentioned in Article 32 Paragraphs 3 and 4 have occurred.

Article 44

Appeal of decisions on social assistance benefits may be also presented by other persons upon the consent of persons applying for a benefit.

Article 45

Individuals and families being granted social assistance benefits in cash are obliged to inform an appropriate organ on any change in their personal or material status which is connected with their having been granted benefits.

PART III

Chapter 1

Organization of Social Assistance

Article 46

1. For the implementation of commissioned tasks the communities shall establish organizational units called social assistance centers.
 - a. The social assistance center shall implement tasks commissioned to a community (gmina) in accordance with decisions in this regard, transmitted by the voivod.
2. Social assistance centers are also responsible for a community's own objectives, unless competent community organs make a different decision.
3. The social assistance center implements the tasks of a community (gmina) in accordance with decisions in this regard, transmitted by the council of a community.
4. Social assistance center may institute an action to claim for alimony on behalf of citizens. Provisions on public prosecutor's office apply to above mentioned centers in proceedings before the court.

5. The community council shall authorize, on the basis of Article 39 Paragraph 3 of March 18, 1990 on local self-government (Official Gazette Number 16 Item 95 and Number 34 Item 199), the manager of social assistance center to take administrative decisions in respect to commissioned tasks, and may authorize to take administrative decisions on commune's own tasks.
6. The manager of the community social assistance center shall present to the community's council annual reports on the center's activities and on social assistance affairs.

Article 47

1. The community cooperates with institutions, social organizations, churches and religious communities, enterprises present in its area in order to implement social assistance objectives.
2. The community may commission to cooperating organizations mentioned in Paragraph 1, with their consent and in written form, the implementation of specific tasks in social assistance area, granting appropriate financial resources to achieve these objectives.
3. The Minister of Labor and Social Policy shall provide financial support to social organizations, religious associations, and charitable societies, which implement considerable tasks connected with government programs in social assistance.

Article 48

In order to implement objectives in the area of social assistance the chief of the voivod administration shall establish a separate budgetary unit, the voivod social assistance unit.

Chapter 2

Social Workers

Article 49

1. Social worker should be adequately qualified, i.e., have completed social worker training, or university studies in social work, social policy, social readaptation, sociology, pedagogy, psychology or related areas.

2. Persons with completed university studies in areas other than those mentioned under Paragraph 2 may also become social workers after having gone through a course on the organization of social assistance, or completing of related post-graduate studies.
3. Social workers are obliged to maintain and regularly upgrade professional qualifications.

Article 50

On the basis of the present Act social workers may also be employed in other institutions, particularly in enterprises, hospitals, medical institutions, penitentiaries, etc. implementing the objectives of these institutions in the area of social assistance.

Article 51

1. Social workers enjoy a priority of performing their tasks in offices, institutions and other units. Government and self-government organs are obliged to provide assistance to social workers performing their duties.
2. Social Workers are entitled to legal protection provided for public officers.

Article 52

The rights and obligations of social workers employed by:

- a. Social assistance centers - are regulated by respective provisions related to self-government employees,
- b. Voivod social assistance units - by provisions related to civil servants.

Chapter 3

Social Assistance Council

Article 53

1. A Social Assistance Council shall be established as an opinion-making and advisory body on social assistance affairs attached to the Minister of Labour and Social Policy.
2. The expertise of the Social Assistance Council comprises the following:

- a. Appraisal of the drafts of legal provisions and initiating of law amendments in the area of social assistance;
- b. Assessment of selected areas of social assistance;
- c. Providing the Minister of Labour and Social Policy with periodic information on Council's activities and conclusions drawn,
- d. Collecting and assessing of proposals regarding special grants for outstanding achievements in social assistance area.

Article 54

1. Membership of the Social Assistance Council may not exceed 30 members who consist of the representatives of district social assistance units, social assistance centers, social and professional organizations, religious associations and scientific circles.
2. Members of the Social Assistance Council are appointed among representatives mentioned in Paragraph 1 by the Minister of Labour and Social Policy for the period of 4 years. The members of the Council perform their functions on a nonprofit basis.
3. The Minister of Labour and Social Policy shall define by decree the organization and principles of the activities of the Social Assistance Council.

PART IV

Transitory and Final Provisions

Article 55

Social assistance benefits granted by force of legal provisions which were in effect until present are to be paid further on according to the principles, and in the amount as specified in the present Act.

Article 56

Until separate regulations have been passed, provisions concerning payment for placement in social assistance houses are applicable to establishments providing care and medical services subordinated to, or supervised by the Ministry of Health and Social Welfare.

Article 57

[DELETED]

Article 58

[DELETED]

Article 59

1. The below-listed legal provisions lose force:
 - a. The Act of 16 August 1923 on social assistance (Off. Gaz. Nr. 92 of 1924 Item 726, Number 56 of 1932 Item 576, Number 94 of 1934 Item 608, Number 110 of 1934 Item 976).
 - b. Degree of 22 October 1947 on the binding force of some legal provisions in the area of social assistance (Off. Gaz. Nr. 65 Item 389).

Article 60

The present Act shall take the effect 30 days after the date of promulgation (17 December 1990) except for Article 49 Paragraphs 1 and 2 which come into force on 1 January 1995.

Order
of the Minister of Labour and Social Policy
of 2 February 1993
abrogating the Order concerning
procedure and detailed principles of granting
lump sum target allowance for economic self-dependence
of a person or a family
and detailed principles of reimbursement by the beneficiary
in whole or in part of expenditures incurred
in connection with granting the allowance

On the basis of Article 24 Paragraph 7 of the Act of 29 November 1990 concerning social assistance (Dziennik Ustaw of 1993 No. 13, Text 60), the following is ordered:

Paragraph 1. In connection with taking over by communities (gminas) tasks concerning the granting of lump sum allowance for economic self-dependence of a person or a family and assistance in kind, the Order of the Minister of labour and Social Policy of 9 April 1991 concerning procedure and detailed principles of granting lump sum target allowance for economic self-dependence of a person or a family and detailed principles of reimbursement by the beneficiary in whole or in part of expenditures incurred in connection with granting the allowance (Dziennik Ustaw No. 33, Text 140) is hereby rescinded.

Paragraph 10. The Order enters into force on the day of announcement and affects decisions retroactive to 1 January 1993.

Minister of Labour and Social Policy: *J. Kuroń*

Order
of the Minister of Labour and Social Policy
of 2 February 1993
amending the Order concerning detailed principles
of granting periodic social assistance allowance

On the basis of Article 31 Paragraph 4 and in connection with Article 34 Paragraph 3 of the Act of 29 November 1990 concerning social assistance (Dziennik Ustaw of 1993, No. 13, Text 60), the following is ordered:

Paragraph 1. In the Order of the Minister of Labour and Social Policy of 9 April 1991 concerning detailed principles of granting periodic social assistance allowance (Dziennik Ustaw No. 33, Text 141) the present contents of Paragraph 1 is designated as Item 1 and Paragraph 2 is added which reads as follows:

"2. If periodic allowance is granted on the principle of reimbursement, a head of the social assistance center determines principles of reimbursement in the decision referred to in Paragraph 1."

Paragraph 10. The Order enters into force on the day of announcement.

Minister of Labour and Social Policy: *J. Kuroń*

Order
of the Minister of Labour and Social Policy
of 2 February 1993
concerning social assistance houses

On the basis of Article 35 Paragraph 4 Item 1 of the Act of 29 November 1990 concerning social assistance (Dziennik Ustaw of 1993 No. 13, Text 60) and in connection with Article 46 Paragraph 2 of the Act of 22 March 1990 concerning local organs of the general government administration (Dziennik Ustaw No. 21, Text 123 and of 1991 No. 75, Text 328), the following is ordered:

Paragraph 1.1. Social assistance houses, henceforth referred to as "houses", are established by the voivod as the state budgetary units or budgetary establishments and function on the basis of statutes given by the voivod, determining the type of a house, detailed principles of its functioning, scope and level of benefits as well as rights and obligations of an inhabitant of a house.

2. When commissioning by agreement to subjects, referred to in Article 12 Paragraph 1 Item 5 of the Social Assistance Act, of tasks connected with running of social assistance houses, the voivod respectively determines resulting from the Order principles of functioning of these houses and determines means of supervision of the way of implementing this task.

Paragraph 2. Houses, depending on the scope of rendered services, are divided into:

- 1) stationary houses, i.e., houses of permanent stay - providing a twenty-four hour care,
- 2) half-stationary houses (of temporary stay), i.e., daily houses or care centers having the over-local character, providing a daylong stay or night's lodging. The scope of services rendered in these centers is determined depending on needs of a given voivodship. These houses or centers may be branches of stationary houses.

Paragraph 3. Houses, depending on persons for which they are designed, are divided to houses for:

- 1) elderly people;
- 2) mentally handicapped people;
- 3) homeless people;
- 4) single pregnant women and single mothers with minor children, further referred to as houses for single mothers;
- 5) invalids (disabled people);
- 6) chronically ill people.

Paragraph 4. Scope and level of benefits rendered by a house should be adjusted to individual needs of inhabitants.

Paragraph 5.1. Principles of organization and functioning of the house should take into account the degree of psychological and physical ability of inhabitants, their right to privacy and dignity, protection of their personal assets and the possibility of maintaining independence and choice of lifestyle.

2. The house should satisfy living and health needs of inhabitants and allow for the development of their personality, and in particular provide:

- 1) a place for living equipped with necessary furniture and utensils, bedding and bed clothes as well as personal hygiene means;
- 2) clothing and shoes;
- 3) food in the framework of binding feeding standards, including dietetic food in accordance with medical prescriptions;
- 4) medical and nursing care - with feeding, dressing, washing and bathing for persons who cannot do these actions by themselves;
- 5) medical therapy (kinesitherapy and physiotherapy);
- 6) medicaments and dressing materials at the prescription of the house's doctor;
- 7) for mentally handicapped persons appropriate conditions for learning and education through life experience and special teaching methods;

- 8) occupational therapy and voluntary participation in housework;
- 9) access to culture and recreation;
- 10) peace and security within the house and care during occupations organized by the house outside the premises;
- 11) support at the amount of up to 30 percent of the permanent allowance for persons having no means of their own; the amount of the support is determined by the director of the voivodship social assistance center after consultation with the director of the house.

3. Inhabitants are entitled to create the self-government scheme to represent their interests and maintain appropriate forms of co-operation with the house's personnel, to ensure realization of their rights. The head of the house provides appropriate conditions for functioning of inhabitants' self-government scheme.

4. Responsibilities of inhabitants of the house, determined by the statute, cannot be excessive in relation to their possibilities.

5. The head of the house renders assistance in settling important personal affairs to every inhabitant of the house.

Paragraph 6.1. A person admitted to the house, having the place of permanent residence, is temporarily registered for the period of 2 months, unless he/she applies for shortening or prolonging this period.

2. After termination of periods, referred to in Item 1, the head of the house registers a person staying in the house for permanent residence.

3. Persons staying in the house for single mothers and in care centers are registered for temporary stay.

Paragraph 7.1. In particular cases, resulting from temporary difficulties in providing to disabled people care in the place of residence, they may be admitted to the stationary house for a specified period, however not longer than 6 months.

2. The head of the house registers a person, mentioned in Item 1, for the period specified in the referring note.

3. For persons, mentioned in Item 1, general principles of referring and charge are applied.

4. The period of stay in the house for single mothers is determined according to needs, however not longer than for 1 year.

Paragraph 8.1. The voivod makes the decision about referring someone to a house, in which the charge is determined on the basis of:

- 1) written application of a person concerned or other person with consent of the person concerned or his/her legal representative;
- 2) family (environmental) investigation, carried out by the social assistance center appropriate from the standpoint of place of living of the person applying;
- 3) request of the social assistance center concerning referring to the house appropriate from the standpoint of place of living of the applying person, with specification of the degree of psychophysical ability (a model of the request is contained in Part I of the Appendix to the Order);
- 4) medical certificate on the state of health, issued on the basis of medical examinations, confirming that the person applying for placement in the house does not require hospital treatment, or permanent feeding with a probe, and that he/she does not suffer from the following diseases:
 - a) infectious disease, including pneumoconiosis in the infectious stadium;
 - b) mental disease - creating risk for a given person and for his environment (the model certificate is presented in Part II of the Appendix to the Order);
- 5) decision on granting the permanent allowance;
- 6) decision of the pensionary organ determining the amount of the pension or certificate of the amount of income of a person or a family obliged to cover the charge together with his/its content for making payments in accordance with legal provisions in force;
- 7) opinion of the team of consultants acting at the voivodship center of social assistance.

2. The head consults and confirms in writing with the person applying for place in the house for single mothers the conditions of stay in the house, including in particular the scope of services rendered by the house, depending on needs, as well as obligations of an

applying person. On the basis of this written agreement the decision is taken on referring to the house and the level of payment.

Paragraph 9.1. A person qualifying for placement in the house but not referred to such house due to lack of places should be provided with appropriate assistance in his/her place of residence in the period of waiting for placement.

2. In particular cases the voivod, after consultation with the team of consultants, may place an applying person in the house earlier than it would be justified by the order of the waiting list.

Paragraph 10.1. Persons staying in houses may should up employment outside the house, if their state of health allows for it.

2. Work in favor of the house or the auxiliary holding having the permanent character is done on the basis of the contract of commission or of employment.

Paragraph 11.1. Charges for stay in houses are deducted in accordance with principles of payment determined in Article 35 of the Social Assistance Act:

- 1) from the pension - from persons receiving pensions, in accordance with provisions on pension security for workers and their families;
- 2) from the permanent allowance - from persons receiving this benefit, by the social assistance center which pays the allowance. To persons newly admitted to the house the allowance is paid to the end of the calendar year by the center appropriate from the standpoint of the place of living, after making the deduction.

2. A person staying in the house or a family obliged to pay for the stay in this house, transfers due amount determined by the decision to the account of the house up to the 10th day of each month.

Paragraph 12.1. A person staying in the house or a family obliged to pay for the stay in this house, is not responsible for the cost of staying in the house during a period of

absence of this person from the house exceeding 14 days, if he/she has informed the head of the house of his/her absence at least 3 days earlier.

2. Reimbursement of an appropriate part of the earlier transferred payment for the stay in the house, in the case of absence, referred to in Item 1, is done from the account of the house's revenues, as an amount unduly received, the amount being the product of the number of days of absence and 1/30 part of the monthly payment.

3. Exceeding the period of 60 days of absence in the house with no particular reason may result in the loss of the place. Concerning loss of place, an inhabitant should be informed in writing at least 14 days before the day on which the place is lost.

Paragraph 13.1. A person staying in a house or a family obliged to pay for a stay in a house may be, at his/its request, released - in part or in whole - from the payment, if:

- 1) he/it pays for the stay of other family members in the house or in another establishment;
- 2) she is pregnant or is a single parent;
- 3) there are particularly justified circumstances (protracted illness, death in a family, material losses resulting from natural calamity or other unpredictable events);
- 4) spouses have one benefit and at least one of them stays in the house;
- 5) related persons have one benefit and at least one of them stays in the house;
- 6) in other particularly well justified cases.

2. The period for which a person or a family, referred to in Paragraph 1, has been released from payment is determined by the decision of the voivod; however this period cannot exceed 1 year. After termination of the period of release from payment there should be an investigation of family finances, confirming if any change has taken place in the situation of person released in whole or in part from payment.

3. A person staying in a house who has started work, referred to in Paragraph 10, is partly released from payment for the stay in the house through deduction from income constituting the basis of calculation of charge of 50 percent of remuneration acquired for this work.

Paragraph 14. The amount of payment for the stay in the house should be subject to indexation at least each two years. However, price changes will not affect persons whose income is a pension or permanent allowance, the share of total income paid by these people may not increase.

Paragraph 15.1. A person staying in the house should be provided with safe keeping of financial means and valuable objects.

2. A person staying in the house may specify a person authorized to have at his/her disposal these means or objects, at the same time specifying the scope of this authorization.

Paragraph 16. Houses must indicate on placards, signboards, forms, advertisements and in correspondence the name "social assistance house" together with a proper name, if necessary.

Paragraph 17. There loses force the Order of the Minister of Labour and Social Policy of 15 April 1991 concerning types of social assistance houses, principles of their functioning, principles of determining charges for stay in these houses as well as way and procedure of collecting charges (Dziennik Ustaw No. 33, Text 145).

Paragraph 18. The Order enters into force on the day of announcement.

Minister of Labour and Social Policy: *J. Kuroń*

**Appendix to the Order
of the Minister of Labour and Social Policy
of 2 February 1993 (Text 63)**

Part I

**Request for placement in the social assistance house
(to be filled in by the social worker
of the social assistance house)**

1. Name and surname of a person applying for placement.....
2. Date of birth.....
3. Place of living.....
4. Legal situation of the above mentioned person:
incapacitated: yes/no, if yes specify if partly or in whole, name and address of the
guardian.....
5. General appraisal of employability....
6. General appraisal of self-service ability.....
7. General appraisal of communication ability.....
8. Features of personality, particularly those which may have effect upon functioning of
the social assistance house.....
9. Preferred forms of spending leisure time.....
10. Addiction.....
11. Special expectations of an applying person or his family as regards conditions and the
scope of services rendered by the house.....
12. Decision of the educational and occupational center in the case of children at the
compulsory schooling age.....
13. Information on a close family member:
Name and surname.....
Address.....
Relation.....

Place and date

Signature of the social worker

Part II
Medical certificate

A. Medical investigation (concerns a candidate for the social assistance house).....

Does he/she use:

- orthopaedic appliances (e.g., orthopedic shoes, artificial limbs, wheel chair)
Yes/No If yes, specify the type;
- auxiliary appliances (glasses, auditory apparatus, trachea tube, etc.)
Yes/No If yes, specify the type;
- Other objects necessary in the process of medical treatment and rehabilitation
Yes/No If yes, specify the type;

Please indicate needs in this field.....

In the case of an incapacitated person or sick person who cannot speak or write, a name should be given of a person who may make decisions for the _____ of the house, and, if applicable, his/her relation to the person being examined.....

B. Result of medical examination

1. Result of additional medical examinations (X-ray examination of chest, blood tests, etc.) are attached to this examination.
2. Current state - description.....

Confirmation of (please underline the applicable response):

- a. infectious disease
Yes/No If yes, please specify its kind.....
- b. pneumoconiosis
Yes/No If yes, please specify if it is in infectious stadium, Yes/No.....
- c. drug addiction
Yes/No
- d. mental disease
Yes/No If yes, please specify its kind.....
- e. the fact that a sick person requires permanent feeding with the probe
Yes/No

Constraints to placement in the social assistance house: infectious disease, mental disease causing risk for health and life of a person applying for placement in the house or persons from his/her environment as well as pneumoconiosis in the infectious state. Additionally, sick persons requiring permanent feeding with the probe cannot stay in social assistance houses.

3. Medical diagnosis.....

place and date

signature and stamp
of the medical practitioner

C. Result of medical examination by the psychiatrist or neurologist (concerns mentally handicapped persons and persons with mental disorders)

On the basis of medical examinations of and enclosed results of additional examinations it is confirmed that an examined person

- a. should be referred to the social assistance house;
- b. has not been qualified for the social assistance house due to health constraints.

(delete if inapplicable)

place and date

signature and stamp
of the medical practitioner

Appendix B
Original English Version Compiled

Social Welfare Act

of 29 November 1990

with later amendments as of 4 January 1993

**Social Welfare Act
of 29 November 1990
with later amendments as of 4 January 1993**

On 4 January 1993 the Minister of Labour and Social Policy announced the uniform text of the Social Welfare Act of 29 November 1990 (Dziennik Ustaw No. 13 of 1993, Text 60).

On this basis we present below the English version of all the amendments to the English copy of the original Act, with indication of pages (places where they should be inserted).

PART I

General Provisions

Chapter 1

General Principles and Subject Scope of the Act

Article 1

1. Social assistance is a state social policy institution aimed at letting individuals and families overcome difficult conditions of life which they aren't able to surmount within their own means, capabilities and rights.
2. Social assistance is organized by state and self-government administration organs, cooperating in this area with social organizations, religious and charity associations, foundations and individuals.
3. Individuals and families enjoying the opportunities provided by social assistance are obliged to cooperate in solving the life problems they are facing.

Article 2

1. The objective of social assistance is to meet primary living needs of individuals and families and to make it possible for them to exist in conditions not contrary to human

dignity. If possible, social assistance should be ultimately aimed at ensuring self-dependence of individuals and families and their social integration.

2. It is also the objective of social assistance to take preventive measures against situations as defined in Article 1, paragraph 1.
3. Nature, form and amount of a benefit should be adequate to circumstances justifying assistance granted. Social assistance benefit should also strengthen the functioning of family.
4. The needs of a person applying for social assistance should be taken into consideration unless they are unreasonable or contrary to the objectives of social assistance.

Article 3

Social assistance is granted to individuals and families on principles specified by the present Act particularly due to the following reasons:

1. Poverty;
2. Orphanhood;
3. Homelessness;
4. Need of motherhood protection;
5. Unemployment;
6. Physical or mental handicap;
7. Chronic illness;
8. Helplessness in child-rearing and running one's household, especially in incomplete and numerous families;
9. Alcohol and drug addiction;
10. Difficulties in adaptation to life after imprisonment;
11. Natural or ecological disaster.

Article 4

1. Cash benefits are granted by social assistance to those persons who do not have their own sources of maintenance, or whose income per family member does not exceed

100% of minimum pension, with simultaneous circumstances specified in Article 3, Parts 2-11.

- 1.a. Persons and families earning their living from an agricultural farm are entitled to social assistance benefits if they have no other sources of maintenance and the area of a farm per head in a family equals not more than 2 hectares taken as the basis for calculation, with simultaneous existence of circumstances referred to in Article 3, items 2-11. For the needs of the Act it is assumed that the income from 2 hectares taken as the basis of calculation corresponds to the amount of the minimum old age pension.
 - 1.b. Incomes of persons and families earning their living from agricultural farm and other sources outside agriculture are being summed up.
2. As the income there are understood all the incomes irrespective of the title and the source of their acquiring. Income per head in a family, further referred to as "Income per head" is calculated as combined incomes of all persons remaining in a common household, reduced by the amount of alimonies paid to other persons and then divided by the number of persons in this household.

Article 5

To persons and families who do not comply with one of the conditions specified in Article 4, paragraphs 1 and 1.a., assistance in cash or in-kind may be granted in particularly justified cases under the condition that a part or whole of expenditures be returned on principles specified in Articles 34 and 41.

Article 6

1. Social assistance benefits may be reduced to a minimum or denied completely to persons who deliberately waste them, destroy benefits in-kind, or purposefully waste their own material resources.

2. Denial or reduction of social assistance benefit should not result in deteriorating the situation of beneficiary's dependents.
3. In justified cases and in particular if cash social assistance benefits are used in the way incompatible with their designation, a head of the social assistance center may grant them in-kind.

Article 7

1. The rights to social assistance of Polish citizens abroad are regulated by international agreements.
2. The range of social assistance to foreigners in Poland cannot infringe provisions of international agreements binding for the Republic of Poland.

Chapter 2

Objectives of Social Assistance

Article 8

Obligations in the area of social assistance comprise in particular the following:

1. Setting up of organizational conditions of social assistance functioning of including the development of necessary social infrastructure;
2. Analysis and assessment of social phenomena generating the demand on social assistance benefits;
3. Granting and payment of benefits provided by the Act;
4. Stimulating of social activity in meeting of primary needs of individuals and families;
5. Social work conceived as professional activity focused on the assistance to individuals and families in strengthening or recovering their ability to operate in the society, as well as providing social conditions in favor of this objective.

Article 9

1. The obligation to implement the objectives of social assistance is imposed upon the commune, and as defined by respective legal provisions - on state administration.

2. The commune, being under an obligation to perform social assistance tasks in compliance with provisions of the Act, cannot refuse to help the person in need, despite the existing obligation of individuals or legal entities to satisfy their primary living needs.

Article 10

1. Communes are responsible for the following tasks:
 - a. Running of social assistance houses and care centers on local level and placement therein of persons requiring assistance (Article 19);
 - b. Granting and payment of benefits for specific purposes (Article 32);
 - c. Granting assistance in-kind (Article 32, paragraph 2);
 - (1) Granting assistance in-kind aimed at economic self-dependence (Article 24, paragraph 2);
 - (2) Granting and payment of allowances and loans aimed at economic self-dependence (Article 24, paragraph 3);
 - d. Other tasks in the area of social assistance resulting from commune's local needs.
2. Compulsory tasks of the commune in the area of social assistance are the following:
 - a. Providing shelter, meal and clothing to persons deprived of these goods (Article 13);
 - b. Providing care-taking services in the place of residence (Article 17);
 - c. Covering the medical treatment expenses provisions according to regulations concerning pensioners and old-age pension holders (Article 22);
 - (1) Granting of target allowance for covering expenditures incurred in connection with unpredictable event (Article 32, paragraph 3);
 - d. Social work (Article 23 and 25);
 - e. Providing funeral services (Article 33, paragraph 2);
 - f. Providing remuneration for employees implementing tasks defined in parts 1-5 and in paragraph 2.

Article 11

Tasks commissioned upon a commune comprise the following:

1. Granting and payment of permanent benefits and applicable allowances (Articles 27-30);
2. Granting and payment of temporary benefits (Article 31);
3. Granting and payment of target allowance for covering of expenditures incurred in result of the natural or ecologic disaster (Article 32, paragraph 4);
4. Granting of target allowance in the form of credited ticket (Article 32, paragraph 5);
5. Other tasks resulting from Governmental social assistance programs aimed at protection of individuals' and families' standard of living;
6. Setting up and maintenance of social assistance center as well as providing remuneration for employees implementing tasks defined in items 1-5.

Article 12

1. The chief of the provincial administration/the Voivod/is responsible for the following items in the area of social assistance:
 - a. Balance of needs and resources of social assistance;
 - b. Organization and financing of social assistance houses and care units above local level, and placing therein of persons requiring assistance;
 - c. Specifying of detailed measures to implement commissioned tasks;
 - d. Organization of professional training and improvement of social workers;
 - e. Supporting the activity of social organizations, religious and charity associations, foundations and individuals involved in social assistance;
 - f. Commissioning by agreement tasks in the field of social assistance to bodies, referred to in Item 5, after consulting an appropriate community (gmina).
2. The chief of the provincial administration implements obligations in the area of social assistance to foreigners staying in Poland.

PART II
Principles of Granting Benefits
Chapter 1
Social Assistance Benefits

Article 13

The commune should provide shelter, meal and adequate clothing to person deprived thereof.

Article 14

1. Providing a shelter takes place through granting a temporary night's lodging.
2. Shelters are provided in particular in overnight houses, houses for the homeless and in other places.

Article 15

Providing with adequate clothing means setting up a person in need with underwear, clothes and footwear appropriate to individual features and year's season.

Article 16

1. Assistance in the form of one hot meal daily may be granted to a person incapable of providing one by him or herself.
2. Assistance specified in Paragraph 1 above may take the form of a temporary benefit or be granted on an ad hoc basis.

Article 17

1. Persons living alone who due to old age, illness or other reasons require assistance of the others and are deprived thereof, are eligible for assistance in the form of care-taking services.
2. Care-taking services may be granted to those who need other persons help, this not being ensured by their families.

Article 18

1. Care-taking services comprise assistance in meeting daily living needs, basic hygienic requirements, medical services as specified by a doctor and contacts with environment, if available.
2. Appropriate communal organ, when granting assistance in the form of care-taking services, shall also specify their scope.

Article 19

1. Whenever it is impossible to provide care-taking services at the place of residence, a person in need of such services or duly authorized representative may apply for a placement in social assistance house or in a care-taking unit.
2. In social assistance houses, persons can be placed who due to their age, life conditions, family, housing or material circumstances are eligible for this form of assistance. Persons with chronic illness whose state of health does not call for hospital treatment but who should be under permanent care may also be placed in social assistance houses.
3. Actions taken by authorities or by third party aimed at placing a person in social assistance house are possible only with the consent of the person being in the need of such a form of assistance, or with the consent of their legal representative. If the person in need or the legal representative do not give their consent to placement in social assistance house or call off consent after the placement, social assistance house or center informs an adequate guardianship court or public prosecutor if such a person has not the legal representative or the guardian.

Article 20

Social assistance houses provide round-the-clock care and meet appropriate welfare, health, educational, social and religious needs.

Article 21

Care-taking services may also be provided in daily assistance houses and in care centers which ensure whole-day stay, basic care, recreation and meals during the day. In above mentioned houses and centers rehabilitation activity can be carried out.

Article 22

1. Individuals who are not covered by social insurance or pension schemes may be granted assistance in the form of meeting their expenditures on medical services. Assistance may also be granted to dependents of those persons if they are their only breadwinners.
2. Medical services for persons referred to in Paragraph 1, according to provisions concerning pensioners and old-age pension holders comprise the following:
 - a. Medical treatment including hospitals;
 - b. Medicines and dressings;
 - c. Appropriate orthopedic equipment and auxiliaries.
3. Assistance specified under Paragraphs 1 and 2 above does not exclude granting a benefit to meet medical treatment costs.

Article 23

1. Individuals and their families are granted assistance in the form of social work, guidance, particularly in legal and psychological aspects.
2. Individuals and their families may also be granted assistance in setting their official or other important affairs, as well as in maintaining their contact with environment.

Article 24

1. Communal organs may grant assistance aimed at economic self-dependence of an individual or a family. Related benefits may be in-kind or in cash.
2. Assistance in-kind aimed at economic self-dependence consist in leasing machines and tools enabling to set up one's own job, or an outfit to make work possible to

handicapped people. The said objects and equipment are made available by means of lease upon respective provisions of the civil code.

3. Benefits in cash aimed at economic self-dependence may be granted as a single allowance or a loan without interest. Communal organ concludes an agreement specifying the conditions of loan, terms of reimbursement and securing of the repayment. The loan may be remitted in part or in whole if this may contribute to accelerate the objective of social assistance.
4. The ground for a denial to grant or for limitation of the assistance for self-dependence may be evasion of undertaking adequate (according to employment provisions interpretation) job or of professional training by a person applying for the above mentioned assistance.
5. An individual is not eligible for economic self-dependence assistance if such an assistance has already been granted from another source.
6. On questions mentioned under Paragraphs 1-5, communal organs collaborate with local labor offices.
7. The Minister of Labour and Social Policy shall determine the detailed procedure of granting assistance for economic self-dependence.

Article 25

1. Handicapped persons with limited abilities of movement or communication may be assisted within social work to enable them to play socially useful roles and to integrate with the surrounding. In particular, this may take the form of an access to and use of communication means and information transfer, adjustment of apartments to limitations resulting from impairments, etc.
2. Communal organs cooperate with social and religious organizations and charity associations in order to provide assistance to, and social integration of the disabled.

Article 26

Social assistance covers as well as an obligation to provide funeral services in a manner decided by the commune and conformity with deceased religion.

Article 27

1. Permanent allowances are granted to persons permanently unable to work due to old age or disability, if they do not have any means of living or their income per head in a family does not exceed the amount of minimum old age pension.
2. Permanent allowances are also granted to persons who do not work or have resigned of work to bring up children requiring permanent care and nursing. Child's state of health is assessed according to criteria specified in provisions on the right to earlier retirement of workers bringing up children requiring permanent care.
3. Permanent allowance is also granted to persons unable to take work as a result of disability which took place before reaching the age of 18 years, irrespective of material situation of a person obliged to secure alimony and irrespectively of alimonies and other benefits or dues resulting from civil obligations.

Article 28

1. Permanent allowance is payable at the rate of:
 - a. 28 percent of average pay constituting the basis for recently undertaken indexation of minimum pensions, in accordance with legal provisions on the pensions' indexation, further referred to as "average pay";
 - b. the difference between the income per head in a family and the amount corresponding to the minimum old age pension.
2. A person receiving a permanent allowance at the rate determined in Paragraph 1, Item 1 and being temporarily detained or serving a penalty of deprivation of liberty, is entitled to 30 percent of the allowance. The remainder of the allowance may be, if such need arises, designed for covering expenditures for housing payments of this person.

Article 29

1. Persons who have been granted permanent allowance and who have either been included to disability group 1 or have completed 75 years of age as well as pregnant

women starting from the 18th week of pregnancy, are entitled to a supplement in the amount of 9 percent of average pay.

2. Supplement of 9 percent of average pay to received permanent allowance may be also granted to severely or chronically ill persons.
3. The supplement referred to in Paragraphs 1 and 2 may not be granted to persons residing at social assistance houses and persons receiving nursing allowances.

Article 30

1. Persons receiving permanent benefit are entitled to medical care on provisions specified for pensioners, old-age pension holders and their families.
2. Persons mentioned under Paragraph 1 may be granted allowance for special purpose specified in Article 32, Paragraph 2.

Article 31

1. Temporary social assistance allowance may be granted to individuals and families if the income per head does not exceed the sum corresponding to the minimum old age pension or incomes as well as financial resources are temporarily insufficient to meet their necessary needs because of:
 - a. Protracted illness;
 - b. Disability;
 - c. Lack of employment possibilities;
 - d. Lack of entitlement to survivor's pension after the death of a person with whom an alimony obligation rested;
 - e. Other justified reasons.
2. The period of time for which temporary benefit may be granted is to be specified by communal organs with regard to individual circumstances.
3. Temporary allowance is determined at the level of up to 28 percent of average pay.
4. The Minister of Labour and Social Policy will determine by his decree, the detailed principles of granting temporary benefit.

Article 32

1. Special benefit may be granted in order to enable a person to meet a particularly important need.
2. The target allowance may be granted particularly to cover a part or the whole of costs of medicines, medical treatment, repairs in apartment, combustibles and clothing.
3. The target allowance may be also granted to a person and a family, who have met with a loss in result of unpredictable event.
4. The target allowance may be also granted to a person and a family, who have met with a loss in result of natural or ecologic calamity.
5. The target allowance may be granted in the form of a credit ticket. Granting or refusal of assistance in this form does not require issuing of decision.

Article 33

The Cabinet (Council of Ministers) determines by order the detailed principles of granting benefits and allocating resources out of social assistance schemes within government programs aimed at the protection of living standard of individuals and families.

Chapter 2

Principles of Reimbursement of Benefits

Article 34

1. The obligation of covering the expenditures for social assistance benefits, with reservation of paragraphs 3 and 4 rests with:
 - a. A beneficiary;
 - b. An heir (from the heritage);
 - c. A spouse, descendants before ascendants (only when expenditures have not been covered in accordance with Items 1 and 2, at the amount provided in the Act for the beneficiary).
2. There is no obligation of covering the expenditures if an income per head in a family, referred to in Paragraph 1, Item 3, does not exceed the minimum old age pension.

3. Expenditures on care-taking services, medical treatment, assistance in kind and allowances for economic self-dependence as well as periodic and target allowances are returnable in part or in whole by the beneficiary if an income per head in a family exceeds the amount of the minimum old age pension.
4. Expenditures on covering funeral costs are returnable in part or in whole from the estate. If death grant from the social insurance is paid, these expenditures are covered from this grant.
5. Community (gmina), in the scope of its own tasks, determines upon an individual investigation of material status of a person or family which proportion of expenditures mentioned under Paragraph 1 is subject to reimbursement.

Article 35

1. Placement in social assistance houses is charged:
 - a. The charge for a placement in social assistance houses is fixed as 200 percent of the minimum pension, however it cannot exceed 70 percent of the income of the person staying in the house.
 - b. The charge for placement of children in social assistance houses is fixed at an amount corresponding to 150 percent of minimum pension, but not exceeding the sum corresponding to 70 percent of the income per person.
 - c. The monthly charge for placement in the social assistance house of an adult person having no income of his own is determined at the level corresponding to an amount of 200 percent of the minimum old age pension. Monthly payment may not be higher than 70 percent of an income per head in a family, including a person staying in the social assistance house or referred to such house. The payment is done, proportionally to an income per head in a family, by a spouse before descendants and ascendants. These persons are not obliged to any payments if an income per head in a family is below the minimum old age pension.

2. Charges specified in Paragraph 1 may be increased if the standard of living and the quality of services provided by the social assistance house are at a very high level to the amount of full costs of living.
3. The charge for staying in daily assistance houses and care-taking centers is established on the level of board costs.
4. The Minister of Labour and Social Policy determines by Order:
 - a. Types of social assistance houses, principles of their functioning, procedure of referring persons applying for placement in a house, principles of determining charges, releasing in part or in whole from payments and the way in which charges are to be executed;
 - b. Conditions, referred to in Paragraph 2, justifying increasing charges for stay in a social assistance house.
5. Regulations in Paragraphs 1-4 are not applicable to social assistance houses and care-taking centers run by communes or their unions.

Article 36

1. Provisions of administrative procedure code with alterations resulting from the present Act apply to procedures on social assistance benefits except for those granted in virtue of agreements mentioned in Article 24, Paragraphs 2 and 3.
2. Procedures on social assistance benefits should focus on the well-being of beneficiaries as well as on the protection of their personal rights. Above all neither names of beneficiaries nor range and kind of granted benefits should be made public.

Chapter 3

Procedures on Social Benefits Payment

Article 37

1. Communal organs act according to the place of permanent residence of person applying for a benefit, and in the cases of extreme urgency according to the place of temporary residence.

2. Commune appropriate according to the place of permanent residence of the beneficiary is obliged to reimburse to the commune which actually paid the benefit the expenditures connected with that payment.
3. Benefits specified under Articles 13, 15, 16, 17 Paragraph 1, 22, 26 and 32 Paragraph 2 of the present Act are payable in the place of temporary residence.

Article 38

1. Social assistance benefits are granted upon an application of a person in question, his/her legal representative, or of a third party upon the consent of a person in question or his/her legal representative.
2. In justified cases social assistance benefits may be granted *ex officio*.

Article 39

The head of the social assistance center, at the request of the social worker, may determine by agreement with a spouse, descendants or ascendants the level of their assistance for a person applying for a benefit. The amount of assistance in cash or in kind, specified in the agreement, may not be lower than the amount representing 30 percent of the benefit. In this case the provision of Article 34 Paragraph 1 Item 3 has no application.

Article 40

1. Dues in virtue of expenditures on social assistance benefits are collected compulsorily according to provisions of executive proceedings in administration.
2. The executory document is a list of dues drawn up by an appropriate organ.
3. Above mentioned list of dues as well as admonition and instruction are served to the obliged person by commune. The obliged may lodge at court statement of claim that the dues do not exist in the whole or in a part, or are subject to limitation.

Article 41

In special cases, particularly if the demand to reimburse in part or in whole the expenditures on benefits would constitute for an obliged person an excessive burden, or nullify the results

of the assistance, a competent organ may withdraw from the execution of the reimbursement upon an application of a social worker or a person concerned.

Article 42

Offices, courts and other institutions are obliged to make available to social worker, or to provide respective information within 7 days, on facts and circumstances bearing a meaning on the decision whether a benefit is to be granted or denied, or on the amount thereof.

Article 43

1. Decisions on social assistance matters require a written form. In special cases the decision may take an oral form, this not being the case when a benefit is denied.
2. Benefits which take the form of social work and guidance (Article 23) do not require an administrative decision.
 - a. A competent organ may change earlier issued decisions, to the disadvantage of a party, if circumstances mentioned in Articles 6 and 45 occur.
3. Decisions on granting or denial of benefits must be preceded by environmental inquiry. The Minister of Labour and Social Policy will define by decree principles of inquiring and standard questionnaire.
4. If flagrant disproportions occur between the level of income proved by a person or a family applying for assistance and actual material situation, a head of the social assistance center may, at the request of the social worker, refuse granting the social assistance benefit.
5. An employee conducting family investigation may demand a person or a family applying for assistance to make a declaration on incomes and material status.
6. Social assistance benefits are payable from the date of submitting an application by a person applying for social assistance, unless separate provisions on social assistance provide otherwise or circumstances mentioned in Article 32 Paragraphs 3 and 4 have occurred.

Article 44

Appeal to decisions on social assistance benefits may be also presented by other persons upon the consent of persons applying for a benefit.

Article 45

Individuals and families being granted social assistance benefits in cash are obliged to inform an appropriate organ on any change in their personal or material status which is connected with their having been granted benefits.

PART III

Chapter 1

Organization of Social Assistance

Article 46

1. For the implementation of commissioned tasks the communes shall establish organizational units, social assistance centers.
 - a. The social assistance center implements tasks commissioned to a community (gmina) in accordance with decisions in this regard, transmitted by the voivod.
2. Social assistance centers are as well responsible for commune's own objectives, unless competent communal organs take a different decision.
3. The social assistance center implements own tasks of a community (gmina) in accordance with decisions in this regard, transmitted by the council of a community.
4. Social assistance center may institute an action to claim for alimony on behalf of citizens. Provisions on public prosecutor's office apply to above mentioned centers in proceedings before the court.
5. The commune council shall authorize, on the basis of Article 39 Paragraph 3 of March 18, 1990 on local self-government (Off. Gaz. Nr. 16 Item 95 and Number 34 Item 199), the manager of social assistance center to take administrative decisions in respect to commissioned tasks, and may authorize to take administrative decisions on commune's own tasks.

6. The manager of social assistance center presents to the commune's council annual reports on the center's activities and on social assistance affairs.

Article 47

1. The commune cooperates with institutions, social organizations, churches and religious communities, enterprises present on its area in order to implement social assistance objectives.
2. The commune may commission upon subject mentioned in Paragraph 1, with their consent and in written form, the implementation of specific tasks in social assistance area, granting appropriate financial resources to achieve these objectives.
3. The Minister of Labor and Social Policy provide financial support to social organizations, religious associations, charity societies, which implement considerable tasks connected with government programs in social assistance.

Article 48

In order to implement objectives in the area of social assistance the chief of the provincial administrations (the voivod) shall establish a separate budgetary unit, provincial social assistance unit.

Chapter 2

Social Workers

Article 49

1. Social worker should be adequately qualified, i.e., have completed social worker training, or university studies in social work, social policy, social readaptation, sociology, pedagogy, psychology or related areas.
2. Persons with completed university studies in areas other than those mentioned under Paragraph 2 may also become social workers after having gone through a course on the organization of social assistance, or completing of related post-graduate studies.
3. Social worker is obliged to upgrade professional qualifications.

Article 50

On the basis of the present Act social workers may also be employed in other institutions, particularly in enterprises, hospitals, medical institutions, penitentiaries, etc. implementing the objectives of these institutions in the area of social assistance.

Article 51

1. Social workers enjoy a priority of performing their tasks in offices, institutions and other units. Government and self-government organs are obliged to provide assistance to social workers performing their duties.
2. The social worker is entitled to legal protection provided for public officers.

Article 52

The rights and obligations of social workers employed by:

- a. Social assistance centers - are regulated by respective provisions related to self-government employees,
- b. Provincial social assistance units - by provisions related to civil servants.

Chapter 3

Social Assistance Council

Article 53

1. Social Assistance Council is established as opinion-making and advisory body attached to the Minister of Labour and Social Policy on social assistance affairs.
2. The expertise of the Social Assistance Council comprises the following:
 - a. Appraisal of the drafts of legal provisions and initiating of law amendments in the area of social assistance;
 - b. Assessment of selected areas of social assistance;
 - c. Providing the Minister of Labour and Social Policy with periodical information on Council's activities and conclusions drawn thereof,

- d. Collecting and assessing of proposals regarding special prizes for outstanding achievements in social assistance area.

Article 54

1. Membership of the Social Assistance Council does not exceed 30 members who consist of the representatives of district social assistance units, social assistance centers, social and professional organizations, religious associations and scientific circles.
2. Members of the Social Assistance Council are appointed among representatives mentioned in Paragraph 1 by the Minister of Labour and Social Policy for the period of 4 years. The members of the Council perform their functions on a nonprofit basis.
3. The Minister of Labour and Social Policy shall define by decree the organization and principles of the activities of the Social Assistance Council.

PART IV

Transitory and Final Provisions

Article 55

Social assistance benefits granted by force of legal provisions which were in effect until present are to be paid further on according to the principles, and in the amount as specified in the present Act.

Article 56

Until separate regulations have been passed, provisions concerning payment for placement in social assistance houses are applicable to establishments providing care and medical services subordinated to, or supervised by the Ministry of Health and Social Welfare.

Article 57

[DELETED]

Article 58

[DELETED]

Article 59

1. The below-listed legal provisions lose force:
 - a. The Act of 16 August 1923 on social assistance (Off. Gaz. Nr. 92 of 1924 Item 726, Number 56 of 1932 Item 576, Number 94 of 1934 Item 608, Number 110 of 1934 Item 976).
 - b. Degree of 22 October 1947 on the binding force of some legal provisions in the area of social assistance (Off. Gaz. Nr. 65 Item 389).

Article 60

The present Act shall take the effect after 30 days since the date of promulgation (17 December 1990) except for Article 49 Paragraphs 1 and 2 which come into force on 1 January 1995.

Order
of the Minister of Labour and Social Policy
of 2 February 1993
abrogating the Order concerning
procedure and detailed principles of granting
lump sum target allowance for economic self-dependence
of a person or a family
and detailed principles of reimbursement by the beneficiary
in whole or in part of expenditures incurred
in connection with granting the allowance

On the basis of Article 24 Paragraph 7 of the Act of 29 November 1990 concerning social assistance (Dziennik Ustaw of 1993 No. 13, Text 60), it is ordered what follows:

Paragraph 1. In connection with taking over by communes (gminas) of tasks concerning granting of lump sum allowance for economic self-dependence of a person or a family and assistance in kind, there loses force the Order of the Minister of labour and Social Policy of 9 April 1991 concerning procedure and detailed principles of granting lump sum target allowance for economic self-dependence of a person or a family and detailed principles of reimbursement by the beneficiary in whole or in part of expenditures incurred in connection with granting the allowance (Dziennik Ustaw No. 33, Text 140).

Paragraph 10. The Order enters into force on the day of announcement with binding force since 1 January 1993.

Minister of Labour and Social Policy: *J. Kuroń*

Order
of the Minister of Labour and Social Policy
of 2 February 1993
amending the Order concerning detailed principles
of granting periodic social assistance allowance

On the basis of Article 31 Paragraph 4 and in connection with Article 34 Paragraph 3 of the Act of 29 November 1990 concerning social assistance (Dziennik Ustaw of 1993, No. 13, Text 60), it is ordered what follows:

Paragraph 1. In the Order of the Minister of Labour and Social Policy of 9 April 1991 concerning detailed principles of granting periodic social assistance allowance (Dziennik Ustaw No. 33, Text 141) the present contents of Paragraph 1 is designated as Item 1 and Paragraph 2 is added which reads as follows:

"2. If periodic allowance is granted on the principle of reimbursement, a head of the social assistance center determines principles of reimbursement in the decision referred to in Paragraph 1."

Paragraph 10. The Order enters into force on the day of announcement.

Minister of Labour and Social Policy: *J. Kuroń*

Order
of the Minister of Labour and Social Policy
of 2 February 1993
concerning social assistance houses

On the basis of Article 35 Paragraph 4 Item 1 of the Act of 29 November 1990 concerning social assistance (Dziennik Ustaw of 1993 No. 13, Text 60) and in connection with Article 46 Paragraph 2 of the Act of 22 March 1990 concerning local organs of the general government administration (Dziennik Ustaw No. 21, Text 123 and of 1991 No. 75, Text 328), it is ordered what follows:

Paragraph 1.1. Social assistance houses, further referred to as "houses", are established by the voivod as the state budgetary units or budgetary establishments and function on the basis of statutes given by the voivod, determining the type of a house, detailed principles of its functioning, scope and level of benefits as well as rights and obligations of an inhabitant of a house.

2. When commissioning by agreement to subjects, referred to in Article 12 Paragraph 1 Item 5 of the Social Assistance Act, of tasks connected with running of social assistance houses, the voivod respectively determines resulting from the Order principles of functioning of these houses and determines means of supervision of the way of implementing this task.

Paragraph 2. Houses, depending on the scope of rendered services, are divided into:

- 1) stationary houses, i.e., houses of permanent stay - providing a twenty-four hour care,
- 2) half-stationary houses (of temporary stay), i.e., daily houses or care centers having the over-local character, providing a daylong stay or night's lodging. The scope of services rendered in these centers is determined depending on needs of a given voivodship. These houses or centers may be branches of stationary houses.

Paragraph 3. Houses, depending on persons for which they are designed, are divided to houses for:

- 1) elderly people;
- 2) mentally handicapped people;
- 3) homeless people;
- 4) single pregnant women and single mothers with minor children, further referred to as houses for single mothers;
- 5) invalids (disabled people);
- 6) chronically ill people.

Paragraph 4. Scope and level of benefits rendered by a house should be adjusted to individual needs of inhabitants.

Paragraph 5.1. Principles of organization and functioning of the house should take into account the degree of psychological and physical ability of inhabitants, their right to privacy and dignity, protection of their personal assets and possibility of maintaining independence and the choice of lifestyle.

2. The house should satisfy living and health needs of inhabitants and allow for the development of their personality, and in particular provide:

- 1) place of living equipped with necessary furniture and utensils, bedding and bed clothes as well as personal hygiene means;
- 2) clothing and shoes;
- 3) food in the framework of binding feeding standards, including dietetic food in accordance with medical prescriptions;
- 4) medical and nursing care - with feeding, dressing, washing and bathing for persons who cannot do these actions by themselves;
- 5) medical therapy (kinesitherapy and physiotherapy);
- 6) medicaments and dressing materials at the prescription of the house's doctor;
- 7) for mentally handicapped persons appropriate conditions for learning and education through life experience and special teaching methods;

- 8) occupational therapy and voluntary participation in housework;
- 9) access to culture and recreation;
- 10) peace and security within the house and care during occupations organized by the house outside the premises;
- 11) support at the amount of up to 30 percent of the permanent allowance for persons having no means of their own; the amount of the support is determined by the director of the voivodship social assistance center after consultation with the director of the house.

3. Inhabitants are entitled to create the self-government scheme to represent their interests and maintain appropriate forms of co-operation with the house's personnel, to ensure realization of their rights. The head of the house provides appropriate conditions for functioning of inhabitants' self-government scheme.

4. Responsibilities of inhabitants of the house, determined by the statute, cannot be excessive in relation to their possibilities.

5. The head of the house renders assistance in settling important personal affairs to every inhabitant of the house.

Paragraph 6.1. A person admitted to the house, having the place of permanent residence, is temporarily registered for the period of 2 months, unless he/she applies for shortening or prolonging this period.

2. After termination of periods, referred to in Item 1, the head of the house registers a person staying in the house for permanent residence.

3. Persons staying in the house for single mothers and in care centers are registered for temporary stay.

Paragraph 7.1. In particular cases, resulting from temporary difficulties in providing to disabled people care in the place of residence, they may be admitted to the stationary house for specified period, however not longer than 6 months.

2. The head of the house registers a person, mentioned in Item 1, for the period specified in the referring note.

3. For persons, mentioned in Item 1, general principles of referring and charge are applied.

4. The period of stay in the house for single mothers is determined according to needs, however not longer than for 1 year.

Paragraph 8.1. The voivod takes a decision on referring to the house, in which he determines the charge on the basis of:

- 1) written application of a person concerned or other person with consent of the person concerned or his/her legal representative;
- 2) family (environmental) investigation, carried out by the social assistance center appropriate from the standpoint of place of living of the applying person;
- 3) request of the social assistance center concerning referring to the house appropriate from the standpoint of place of living of the applying person, with specification of the degree of psychophysical ability (a model of the request is contained in Part I of the Appendix to the Order);
- 4) medical certificate on the state of health, issued on the basis of medical examinations, confirming that the person applying for placement in the house does not require hospital treatment, permanent feeding with a probe and that he/she does not suffer from the following diseases:
 - a) infectious disease, including pneumoconiosis in the infectious stadium;
 - b) mental disease - creating risk for a given person and for his environment (the model certificate is presented in Part II of the Appendix to the Order);
- 5) decision on granting the permanent allowance;
- 6) decision of the pensionary organ determining the amount of the pension or certificate of the amount of income of a person or a family obliged to cover the charge together with his/its content for making payments in accordance with legal provisions in force;
- 7) opinion of the team of consultants acting at the voivodship center of social assistance.

2. The head consults and confirms in writing with the person applying for place in the house for single mothers the conditions of stay in the house, including in particular the scope of services rendered by the house, depending on needs, as well as obligations of an

applying person. On the basis of this written agreement the decision is taken on referring to the house and the level of payment.

Paragraph 9.1. A person qualifying for placement in the house but not referred to such house due to lack of places should be provided with appropriate assistance in his/her place of residence in the period of waiting for placement.

2. In particular cases the voivod, after consultation with the team of consultants, may place an applying person in the house earlier than it would be justified by the order of the waiting list.

Paragraph 10.1. Persons staying in houses may take up employment outside the house, if their state of health allows for it.

2. Work in favor of the house or the auxiliary holding having the permanent character is done on the basis of the contract of commission or of employment.

Paragraph 11.1. Charges for stay in houses are deducted in accordance with principles of payment determined in Article 35 of the Social Assistance Act:

- 1) from the pension - from persons acquiring pensions, in accordance with provisions on pension security for workers and their families;
- 2) from the permanent allowance - from persons acquiring this benefit, by the social assistance center which pays the allowance. To persons newly admitted to the house the allowance is paid to the end of the calendar year by the center appropriate from the standpoint of the place of living, after making the deduction.

2. A person staying in the house or a family obliged to pay for the stay in this house, transfers due amount determined by the decision to the account of the house up to the 10th day of each month.

Paragraph 12.1. A person staying in the house or a family obliged to pay for the stay in this house, does not cover the charge for the period of absence of this person from the

house exceeding 14 days, if he/she has informed of his/her absence the head of the house at least 3 days earlier.

2. Reimbursement of appropriate part of earlier transferred payment for the stay in the house, in the case of absence, referred to in Item 1, is done from the account of house's revenues, as an amount unduly received, at the amount being the product of the number of days of absence and 1/30 part of transferred payment.

3. Exceeding the period of 60 days of absence in the house with no particular reason may result in the loss of the place, of which however an inhabitant should be informed in written form at least 14 days before the end of this period.

Paragraph 13.1. A person staying in the house or a family obliged to pay for the stay in the house may be, at his/its request, released - in part or in whole - from the payment, if:

- 1) he/it pays for the stay of other family members in the house or in other establishment;
- 2) she is pregnant or brings up the children alone;
- 3) there are particularly justified circumstances (protracted illness, death in a family, material losses resulting from natural calamity or other unpredictable events);
- 4) spouses have one benefit and at least one of them stays in the house;
- 5) related persons have one benefit and at least one of them stays in the house;
- 6) in other particularly justified cases.

2. The period for which a person or a family, referred to in Paragraph 1, has been released from payment is determined by the decision of the voivod; however this period cannot exceed 1 year. After termination of the period of release from payment there should be conducted the family (environmental) investigation, confirming if any change has taken place in the situation of person released in whole or in part from payment.

3. A person staying in the house who has started work, referred to in Paragraph 10, is partly released from payment for the stay in the house through deduction from income constituting the basis of calculation of charge of 50 percent of remuneration acquired for this work.

Paragraph 14. The amount of payment for the stay in the house should be subject to indexation at least each two years. It does not concern persons, whose income is a pension or permanent allowance.

Paragraph 15.1. A person staying in the house should be enabled safe keeping of financial means and valuable objects.

2. A person staying in the house may indicate a person authorized to have at his/her disposal these means or objects, at the same time specifying the scope of this authorization.

Paragraph 16. Houses put at plates, signboards, forms, advertisements and in correspondence the name "social assistance house" together with a proper name, if necessary.

Paragraph 17. There loses force the Order of the Minister of Labour and Social Policy of 15 April 1991 concerning types of social assistance houses, principles of their functioning, principles of determining charges for stay in these houses as well as way and procedure of collecting charges (Dziennik Ustaw No. 33, Text 145).

Paragraph 18. The Order enters into force on the day of announcement.

Minister of Labour and Social Policy: *J. Kuroń*

**Appendix to the Order
of the Minister or Labour and Social Policy
of 2 February 1993 (Text 63)**

Part I

**Request for placement in the social assistance house
(to be filled in by the social worker
of the social assistance house)**

1. Name and surname of a person applying for placement.....
2. Date of birth.....
3. Place of living.....
4. Legal situation of the above mentioned person:
incapacitated: yes/no, if yes specify if partly or in whole, name and address of the
guardian.....
5. General appraisal of motive power.....
6. General appraisal of self-service ability.....
7. General appraisal of communication ability.....
8. Features of personality, particularly those which may have effect upon functioning of
the social assistance house.....
9. Preferred forms of spending leisure time.....
10. Addiction.....
11. Special expectations of an applying person or his family as regards conditions and the
scope of services rendered by the house.....
12. Decision of the educational and occupational center in the case of children at the
compulsory schooling age.....
13. Information on a family:
Name and surname.....
Address.....
Relation.....

Place and date

Signature of the social worker

Part II
Medical certificate

A. Medical investigation (concerns a candidate for the social assistance house).....

Does he/she use:

- orthopaedic appliances (e.g., orthopedic shoes, artificial limbs, wheel chair)
Yes/No If yes, specify the type;
- auxiliary appliances (glasses, auditory apparatus, trachea tube, etc.)
Yes/No If yes, specify the type;
- Other objects necessary in the process of medical treatment and rehabilitation
Yes/No If yes, specify the type;

Please indicate needs in this field.....

In the case of an incapacitated person or sick person without the possibility of contact, name should be given of a person answering to questions and, if applicable, his/her relation to an examined person.....

B. Result of medical examination

1. Result of additional medical examinations (X-ray examination of chest, blood tests, etc.) are enclosed to this examination.
2. Current state - description.....

Confirmation of:

- a. infectious disease
Yes/No If yes, please specify its kind.....
- b. pneumoconiosis
Yes/No If yes, please specify if it is in infectious stadium, Yes/No.....
- c. drug addiction
Yes/No
- d. mental disease
Yes/No If yes, please specify its kind.....
- e. the fact that a sick person requires permanent feeding with the probe
Yes/No (please underline what applicable)

Contraindications to placement in the social assistance house: infectious disease, mental disease causing risk for health and life of a person applying for placement in the house or persons from his/her environment as well as pneumoconiosis in the infectious stadium. Besides, sick persons requiring permanent feeding with the probe cannot stay in social assistance houses.

3. Medical diagnosis.....

place and date

signature and stamp
of the medical practitioner

C. Result of medical examination by the psychiatrist or neurologist (concerns mentally handicapped persons and persons with mental disorders)

On the basis of medical examinations of and enclosed results of additional examinations it is confirmed that an examined person

- a. should be referred to the social assistance house;
- b. has not been qualified for the social assistance house due to health

contraindications

(delete if inapplicable)

place and date

signature and stamp
of the medical practitioner