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## **The scope of responsibility of employers towards workers' families in the Second Republic of Poland\***

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### **Abstract**

The aim of this article is the presentation of the scope of responsibility of employers towards workers' families in Poland in the interwar period. The article also shows how those duties were fulfilled. This issue appeared in Europe with the development of social insurance programmes and labour laws. The Second Republic of Poland built its own legal system for employees' families. It included health insurance and benefits, families' pensions and funeral allowances. Certain obligations were also imposed on employers in the context of labour law. The most important was the obligation to open nursery schools for the children of women who worked in factories.

**Keywords:** labour market, the Second Republic of Poland, social security

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### **1. Introduction**

The issue of employers' responsibility towards employees' families arose in Europe along with the development of social insurance. The compulsory insurance of wage earners against sickness, accidents at work, disability and old age introduced

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in the 1880s in the Second Reich forms its foundations. Bismarck's standards in this respect became widespread in Europe in the following decades, and elements that guarantee support for family members of insured employees also became, over time, an inseparable part of the social insurance system introduced in many countries. Also, in this case, the German solutions proved pioneering. The Accident Insurance Act of June 6, 1884, provided for pensions for survivors of deceased employees, and the Workmen's Insurance Code of July 19, 1911, introduced medical benefits for family members of insured employees as well as widow's and orphan's pensions as part of old-age and disability insurance (cf. Daszyńska-Golińska, 1933, p. 352; Grabowski, 1923, pp. 199–200; Herkner, 1905, pp. 419–420; Muszalski, 2004, pp. 37–39).

The Second Republic also built its own system of benefit entitlements for families of employees, though they were based on Western experience. These benefit entitlements were present in each of the three basic types of insurance (sickness, accident, as well as old-age and disability insurance), and the most important benefits received by families of insured employees included medical assistance, survivors' pensions and funeral allowances. Employers' responsibility towards the families of employees was fulfilled in a direct and indirect way. State-owned institutions and enterprises guaranteed that protection directly, while in the private sector it was usually implemented indirectly. Benefits for employees' families were granted and paid by the relevant insurance institutions; however, employers, by paying contributions to particular types of insurance, financed (in part or wholly) insurance coverage for family members of people employed in their companies. Bearing in mind the obvious differences in the manner in which employers' responsibility towards employees' families was fulfilled, it is worth examining the most important regulations determining this responsibility, beneficiaries' rights as well as the practical dimension of this responsibility emerging from the conducted analysis of sources.<sup>1</sup>

## **2. Statutory guarantees of the rights of employees' family members**

In independent Poland, the scope of benefits that families of employees were entitled to was primarily dependent on the level of development and the territorial scope of the social security system as well as the scope of responsibility that public institutions, which were important employers, took upon themselves. In the case of social insurance, the legal situation had been unsatisfactory for a long

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<sup>1</sup> The obligation imposed on employers to organise care for the children of female employees working in their enterprises, which was related to the protection of motherhood, resulting from the Act on Juvenile and Women's Employment of July 2, 1924, was of a slightly different nature, unrelated to the system of social security. Cf. Dz.U. 1924, No. 65, item 636; Grata, 2013b, pp. 136–138; Słabińska, 2015, pp. 86–108.

time, as the territorial and subjective unification of the right to insurance against the basic types of life risk came with the Social Insurance Act, the so-called Consolidating Act, passed in March 1933. Earlier, the situation in this respect had been much worse. Only sickness insurance, introduced in the first months of independence, and accident insurance, extended in early 1924 to cover the area formerly under Russian Partition, had been in force throughout the country. However, the old-age pension had been available to all employees only in the territory of the former Prussian Partition, where workers had been under German regulations. In the rest of the country, only intellectual workers had been insured against incapacity to work due to old age; hence, the possible benefits for family members had been previously available only in this professional group (Grata, 2013, pp. 12–14; Łazowski, 1929, pp. 383–438).<sup>2</sup>

Despite those imperfections, the regulations in force for the first dozen or so years of independence included a relatively wide range of benefit entitlements for families of insured employees. As part of the sickness insurance, in accordance with the Act of 19 May 1920 (preceded by the Decree of 11 January 1919), Sickness Funds were obliged to provide assistance also to family members living with and financially supported by the insured. They had access to free medical care and medicines, midwife assistance, a nursing mothers' allowance and hospital treatment based on the lowest payment scheme. In the case of death of the insured, the Fund paid out a funeral allowance in the amount of 3 weeks' earnings (the allowance for the funeral of a family member was lower by half) (Dz.U. 1919, No. 9, item 122; Dz.U. 1920, No. 44, item 272; Grabowski, 1923, pp. 158–170; Turowicz, 1929, p. 3).

A visible limitation of benefit entitlements was brought by the Social Insurance Act of 28 March 1933. According to its provisions, agricultural workers were excluded from the insured group, thus their families also could not use the benefits; at the same time, the catalogue of eligible family members receiving benefits was narrowed down to a wife or an unable to work husband and children as well as grandchildren supported financially by the insured. The range of benefits remained unchanged; however, as in the case of the insured themselves, the use of medical care and medicines was connected with the payment of a small surcharge. In the case of agricultural workers, the obligation to provide medical services rested on the employers, who were obliged to cover the full costs of hospital treatment and maternity assistance as well as 90% of the costs of medical advice and medicines (Dz.U. 1933, No. 51, item 396; Ed. Gie., 1934, pp. 210–211).

Another form of insurance, the scope of which covered the entire territory of the Republic before the Consolidating Act came into force, was accident insurance. In this case, until the end of 1933, German and Austrian laws were in force which, in the context of protecting families of employees, were not much different. Family members were entitled to benefits after the insured's death as a result of an accident or in connection with an accident at work. Insurance institutions

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<sup>2</sup> Miners of Zagłębie Dąbrowskie and Krakowskie (and their families) were also traditionally insured, but one cannot talk about the universality of insurance in this case.

then reimbursed the costs of the funeral (in the amount of 4/5 of the monthly earnings of the insured in the former Prussian Partition and 2/3 in the rest of the state) and paid a pension to family members. A widow received a benefit amounting to 20% of the deceased's earnings, and the level of pensions for each child was similar (in the Prussian Partition it amounted to 15%); the total amount of the widow's and orphan's pensions could not, however, exceed the level of 2/3 of the insured employee's earnings (3/5 under the Prussian law) (Modliński, 1932, p. 108).

In the case of accident insurance, the Consolidating Act brought an expansion of the scope of protection for employees' families. From 1934, occupational diseases started to be covered by the insurance, and the benefits of the person receiving an accident pension (suffering over 66% loss of earning capacity) were supplemented with an allowance for each child in the amount of 10% of the disability pension. The funeral allowance was raised to the amount of the monthly earnings of the deceased insured person, and the widow's pension increased to 30% of the previous earnings. The orphan's pension was still 20% of the specified base, but in the case of a full orphan, it was to be raised to 25% (the total sum of the widow's and orphan's pensions could not exceed the amount of pension to which the deceased was entitled in the event of total incapacity to work). Additionally, other family members who were financially supported by the deceased had the right to a pension, but in their case, the total value of the benefits could not exceed 20% of the deceased's earnings (Dz.U., 1933, No. 51, item 396; Piątkowski, 1983, pp. 33–34).

Theoretically, the widest range of monetary benefits for an employee's family members should have been covered by old-age and disability insurance, currently called retirement insurance. However, due to the limited territorial scope of its existence for many years, the importance of this protection was relatively small. Only when the provisions of the Consolidating Act came into force in 1934 could one talk about a potentially significant expansion of the scope of support for employees' families. Pursuant to its provisions, partially based on German regulations previously in force in Upper Silesia, the recipient of a disability pension was entitled to an allowance for each child at the level of 10% of the statutory amount. In the event of the employee's death, the family was entitled to a one-off funeral allowance in the amount of one month's wages and post-disability benefits. A widow could receive half of the deceased's pension, provided she was 60 years of age or unable to earn a living (in the case of the deceased employee's appropriate period of insurance, the required age of the widow was reduced to 50). The orphan's pension amounted to 20% of the deceased's benefit for each eligible child (35% for a full orphan), but the total amount of the widow's and orphan's pensions could not exceed the deceased's benefit (the law provided for budget subsidies for the widow's and orphan's pensions) (Dz.U., 1933, No. 51, item 396; Baumgarten, 1932, p. 90; Garlicki, 1934, pp. 633–636).

The rules concerning the protection provided for members of families of intellectual workers and civil servants were much more favourable than in the case of manual workers' insurance. Pursuant to the President's Regulation of 24 November 1927 on the Insurance of Intellectual Workers, a widow was entitled to the

widow's pension regardless of age and state of health, and its amount was 60% of the deceased person's benefit. The orphan's pension, as pursuant to the Consolidating Act, constituted 20% of the deceased's pension, but in the case of a full orphan, it was raised to 40%. Similar to the provisions of the Consolidating Act, a recipient of a disability pension in the insurance system for intellectual workers received an allowance for each child, which was 10% of the so-called primary insurance amount determined by the Regulation of 1927 (Dz.U. 1927, No. 106, item 911; Sasorski, 1932, pp. 148–149).

The most privileged in terms of access to care and benefits were family members of state employees and professional soldiers. In their case, the employer, i.e., the state, directly covered the costs of the benefits they were eligible for. As part of state medical assistance for civil servants, members of their families were entitled to free medical advice and assistance, treatment in hospitals and diagnostic tests. On the other hand, pursuant to the Act of December 11, 1923, on the Provision of Pensions for Civil Servants and Professional Soldiers, they were also entitled to appropriate monetary benefits. As civil servants were entitled to retirement benefits after ten years of service (from 1932 it was after fifteen), the situation of their family members was also more favourable in this respect than in the case of other segments of social security. In the event of the death of a civil servant in active service before becoming eligible for retirement benefits, his widow received a one-time severance pay equivalent to a year and a half's wages. In the case of the death of a civil servant entitled to retirement benefits, his widow was entitled to a death benefit equivalent to his last three months' wages. The amount of the widow's pension was half of the old-age pension or benefit to which the deceased was entitled at the time of death, while the orphan's pension amounted to 1/4 of the widow's pension or, in the case of absence of the widow, half of her pension (the pension for a full orphan was 2/3 of the widow's pension, and, as in other cases, the amount of the widow's and orphan's pensions could not exceed the benefit of the deceased person) (Dz.U. 1923, No. 116, item 924; No. 134, item 1107; 1924, No. 6, item. 46; 1932, No. 26, item 239; No. 27, item 254; Muszalski, 1988, pp. 25–26).

Summing up the short overview of the most important legal guarantees of indirect or direct responsibility of employers towards their employees' families, it should be stated that the scope of the guarantees was relatively broad, although it varied both in terms of the quality of services and their subjective range. Funeral allowances, as well as the widow's and orphan's pensions, were an indisputable principle of long-term insurance against accidents and old age, but a lower and more limited level of coverage in the case of manual workers' insurance was evident. Family members of professionally active persons also had medical insurance, and although the entitlement actually expired when the insurance obligation ceased, or the employee retired, it is worth noting that access to health care was, under the existing conditions, an extremely important element of the system of guarantees provided for employees' families.

### 3. The scope of support for employees' families

An attempt to analyse the practical aspects of the implementation of the above-presented dimensions of direct or indirect responsibility of employers towards family members of employees should take into account two basic areas. The first should undoubtedly be the scope of insurance coverage and the other – the actual number of persons making use of the benefits provided for families of employees. Although in both cases the values obtained describe different populations, they will undoubtedly help to determine the practical scope of coverage, as well as indicate the privileged life situation of family members of employees covered by the indicated forms of employers' responsibility towards employees.

Due to the different nature and—for a long time—also the different scope of particular types of social insurance, types of insurance granted to families of employees varied; hence, it is difficult to examine them together or add up the obtained statistics. However, it is possible to specify the number of family members insured against individual types of life risks. Only in the second half of the 1930s, after a far-reaching unification of the social security system, did the group of insured family members of employees also become more homogeneous and mostly covered in a comprehensive manner. Earlier, the situation had varied, but it should be noted that the guarantees resulting from the above-mentioned provisions encompassed a relatively large number of family members of the employed. This was all the more important in the context of the social and professional structure of the population of the Republic of Poland and the low level of social security that the majority of citizens working primarily in agriculture were entitled to.

In the same way employers' responsibilities towards their employees were varied, so too were the methods of insuring their employees' family members. As part of the sickness insurance, they were directly insured and they were able to use benefits after the inception date of the insurance. In the case of long-term insurance, such a possibility appeared only when a life event activating the pension benefit occurred. This type of insurance could, therefore, be called indirect and dependent on the situation of the insured employee.

From the point of view of the everyday life of the family members of the employed, the most important and most frequently used form of insurance was sickness insurance. The number of persons covered was dependent on the extent of the insurance coverage, and it increased with its development as well as the growth in the economic activity of the entrepreneurs. As a result, the largest number of insured against sickness was recorded in the late 1920s, i.e., at the peak of the economic upturn. The average number of insured employees amounted to over 2.6 million people in 1929, while the number of insured members of their families was then at the level of 2.8–2.9 million. With the arrival of the Great Depression, and later changes in the insurance system (removing insurance for agricultural workers), the population of insured employees and their family members was temporarily reduced, and it started to approach the level from before the economic

collapse just before the outbreak of war. In 1938, there were nearly 2.3 million insured (in the mid-1930s—1.8–1.9 million) and approx. 2.5 million of their family members entitled to insurance coverage (*Mały Rocznik Statystyczny*, 1939, p. 306; *Rocznik Statystyki Rzeczypospolitej Polskiej*, 1930, p. 300; *Ubezpieczenia społeczne w Polsce w latach 1925–1934*, 1935, p. 23; *VII Rocznik Ubezpieczeń Społecznych w Polsce*, 1931, p. 15).

Sickness benefits resulting from employers' responsibility were also used by family members of people working in state and local administration, Polish State Railways, state enterprises and monopolies, as well as by teachers, policemen, and professional soldiers, etc. The number of these categories of employees should be estimated at half a million people, which means that at least the same or a slightly greater number of their family members had access to health care. Thus, the group of family members of employees entitled to medical assistance resulting from employers' responsibility should be determined in total at the time of the economic upturn at nearly 3.5 million, while in the period of the economic downturn at approx. 2.5–3.0 million people. According to the estimates of the then director of the Social Insurance Institution, in the mid-1930s only 7.5 million out of 33.5 million citizens of the Republic of Poland had access to medical assistance, which meant that nearly half of those "lucky ones" owed their health care to the existing forms of employers' responsibility towards the families of their employees (Grata, 2013a, pp. 160–161; Lgocki, 1937, p. 23).

The indicators illustrating the population of benefit recipients—family members of employees—with regard to insurance against accidents at work, disability and old age looked slightly different. The basic determinants were both the number of insured employees (the insurance also covered their families) and the number of their family members using long-term benefits reflecting the actual beneficiaries of the system of employers' responsibility towards employees' families. In general, the number of people insured against accidents at work was the greatest. In 1929, there were 3.8 million people insured against this risk, while at the end of the 1930s, the number of people insured, including the insured people working in agriculture, exceeded 4.2 million people. Significantly fewer employees were insured against old age and disability, which meant that the number of their family members who could rely on benefits in the event of an employee's possible death was also smaller. Until the entry into force of the Consolidating Act, there had been about a million (1.2 million in 1929, 0.9 million in 1933) people insured against old age, including civil servants; later the number doubled, and in 1938, 2.4 million employees were covered by this type of insurance. Families of the aforementioned half-million state and local government employees also had separate guarantees of benefits in the event of the death of the employee. In total, therefore, just before the war, nearly 3 million families could rely on this type of benefits as part of the deceased employee's entitlement (*Mały Rocznik Statystyczny*, 1939, pp. 306–307; *Statystyka. Zestawienia ogólne*, 1939, pp. 236–237; *Ubezpieczenia społeczne...*, p. 23; Lgocki, 1936, p. 1).

The number of recipients of monetary benefits to which family members were entitled was much smaller. Obviously, in the case of post-accident pensions as well as old-age and disability benefits, there had been a clear upward trend significantly accelerated after the Consolidating Act entered into force. The situation was similar in the context of benefits granted to family members of deceased beneficiaries of the system. However, due to biological processes (children growing up), only the number of pensions that widows were entitled to systematically increased. In the mid-1920s, approx. 50,000 pensions were paid out due to retirement benefits entitlement—in 1927 they were received by 14,000 widows and 36,000 orphans (belonging to 30,000 families). At the beginning of the next decade, there were just over 60,000 pensions. In 1935, their number exceeded 70,000, and at the end of 1938, there were 83,300 pensions received (46,700 widows and 36,600 orphans). Another 4,000 pensions were granted to widows and orphans entitled to receive benefits under the Consolidating Act. 13,000 members of families of insured intellectual workers received benefits. Thus, in total, just before the war, approx. 100,000 family members of former employees used this type of retirement insurance. There were considerably fewer beneficiaries of work accident insurance. In the second half of the 1920s, this type of pension was received by several thousand family members of deceased employees. At the end of the next decade, there were over 27,000 such beneficiaries (at that time 195,000 benefits for former employees were paid out due to retirement and approx. 100,000 due to accident insurance) (*Mały Rocznik Statystyczny*, 1936, p. 215; 1939, p. 307; *Rocznik Statystyczny...*, pp. 344, 347; *Ubezpieczenia społeczne w Polsce w latach 1934–1938*, 1940, p. 60).<sup>3</sup>

The number of long-term benefits paid to members of families of deceased employees of public institutions was not much smaller than in the case of retirement benefits for manual workers and intellectual workers. The manifestation of employers' direct responsibility in this respect could be seen in the more than 95,000 pensions paid to widows and orphans of deceased former employees of those institutions in the late 1930s. They included 58,000 widows and 37,000 orphans, while pensions for family members accounted for 44% of all 217,000 benefits paid in 1938 under this category of social security (in 1933 there were 172,000 such benefits). An important sign of maintaining the continuity of employers' responsibility towards families of employees was the fact that part of the paid benefits was received by people who were left by deceased employees of former partitioning states (in the 1930s, there were still several thousand such pensions) (*Mały Rocznik Statystyczny*, 1939, p. 357).

At the end of the 1930s, a total of just over 220,000 people who were entitled to long-term benefits under the direct or indirect responsibility of employers towards families of their employees received pension benefits. It was a group that might not have been very numerous in the context of the entire population, yet in

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<sup>3</sup> Family members of employees also used benefits they were entitled to due to supplementary pension insurance for miners and railwaymen (in the 1930s, there were slightly over 30,000 such pensions paid out).



relation to all paid pensions associated with the employment relationship, its significance was considerable, as the widow's and orphan's pensions accounted for more than 40% of all such long-term benefits in Poland, which again may confirm the importance of the rights granted to employees' families. The widow's and orphan's pensions were meant to be lower than those available to eligible employees. Despite this fact, it is worth remembering that those benefits allowed family members to receive a guaranteed and stable income even if the main breadwinner died. On the other hand, the sum of the widow's and orphan's pensions was limited by the level of pension that the deceased was entitled to.<sup>4</sup>

#### 4. Conclusions

The scope of responsibility of employers towards families of employees in the Second Republic was in line with the standards in force in Europe at that time. Family members of employees had the right to medical care, disability benefits and funeral allowances, and the importance of those rights was strengthened by the fact that such benefits were inaccessible to the vast majority of the country's population. Thus, employees' families as a group became a privileged social category, with access to free health care and a certain guaranteed minimum income in the form of monetary benefits paid in the event of the death of the head of the family. Regardless of the differences in the manner in which employers' responsibility was fulfilled and delays in introducing individual elements, it should be acknowledged that it was an extremely important part of the social security system, covering several million people who could rely on a safeguard against the basic types of life risk. Moreover, despite the significant diversification of the scope and dimension of this responsibility in relation to different professional groups, its positive dimension is hard to undermine, and the system formed after several years of independence became the basis for further development of support for families of employees provided by employers.

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<sup>4</sup> A separate issue, though out of the scope of interest of this paper, was the relationship between the amount of benefits and previously received earnings. It is worth mentioning that only in the case of intellectual workers as well as civil servants and professional soldiers could the benefits reach 100% of the previous salary; in workers' retirement insurance it could amount to only 80% of that value, while the full pension in accident insurance was 2/3 of the previous earnings (cf. Grata, 2013a, pp. 169–170).

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