

Disabilities and occupational diseases: Questionnaire of the 4th Committee (2013)

General context of the questionnaire

Regardless of the eventual reimbursement of the preventive and curative health-related costs, there is the problem of providing a replacement income to the worker when he is unable to carry on his employment and earn his own income due to an illness or an accident.

Questionnaire

[1] What are the causes which give the right to the income replacement indemnities that are paid because of an inability to work?

[2] Does it make a difference whether the inability is caused by a handicap, illness, or accident (because of a professional activity or not)?

[3] Does the employer need to take care of all or part of the compensation for incapacity resulting from an occupational disease of one of his workers?

- In case of an occupational disease, how is the disease found, recognized, and controlled? How does the worker get the compensation for his occupational disease?
- Specify the conditions and duration of the compensation.

[4] Similarly, does the employer have to take care of all or part of the compensation for incapacity resulting from an accident at work of his employee?

- In case of incapacity resulting from an accident at work, specify the conditions and duration of the compensation.
- If the employer does not take care of the compensation, how is the incapacity to work resulting from an accident at work compensated?

[5] If the illness is not caused by a professional activity, is the worker still entitled to an income during the incapacity to work? If yes, to what income replacement indemnity is the worker entitled and who pays for this?

[6] What are the conditions to be met by the worker to qualify for an income replacement indemnity (*eligibility*: training and payment of contributions for example; *conditions for grant*: being unable to work and have ceased all activity, for example)?

[7] What formalities must be met by the worker to prove his incapacity to work and have it recognized?

[8] How is the amount of income replacement indemnity to which the worker is entitled determined? (for example: a percentage of the lost remuneration)? Does the worker's family situation affect the amount of compensation (whether the worker has family members who depend on him for their income for example)?

[9] Is it possible to cumulate the income replacement indemnity with another income or social benefits?

[10] How is the medical control of the incapacity to work done and by whom?

[11] How is the income replacement indemnity granted and terminated (for example: is it by a decision taken by the control authority and communicated to the worker)?

Is there any appeal against such decisions? Before which court?

[12] Does the sick worker have protection against dismissal or is the employer permitted to terminate the employment agreement of sick workers at any time?

[13] If the worker has protection against dismissal, please specify this dismissal protection.

[14] Does it make a difference to the dismissal protection whether the worker is unable to work because of handicap or chronic illness instead of a «normal illness»?