

Social Insurance Law

LAW NO. 79 FOR THE YEAR 1975

SCOPE OF APPLICATION AND DEFINITIONS

SCOPE OF APPLICATION

ARTICLE (2) :

The provisions of this law shall be applicable to workers of the following categories:

A) The civil workers of the administrative system of the state, public authorities, general organizations, and economic units subordinate to any of such departments and the like of public sector economic units.

B) The workers subject to the provisions the labour Law who fulfill the following requirements :

1- The age of the insured person should be 18 years and over.

2- The work relation linking the insured person with the employer shall be a regular one. The Minister of Insurance shall issue the rules and conditions necessary to be fulfilled in order to consider the work relation as regular. Shall be excepted from this requirement, workers-working in the contracting field, as well as loading and unloading workers.

Without prejudice of the provisions of the International agreements that were endorsed by the Arab Republic of Egypt, in order to apply the provisions of this law on the foreigners who are subject to labour law, it is provided that the contract period is not less than one year and the existence of an agreement for reciprocal treatment.

C) Those engaged in work connected with domestic and household services except for those working inside private houses who shall be determined by a decree of the Minister of Insurance .

ARTICLE (3) :

As an exception to the provisions of Article (2), the present law provisions shall be applicable to workers previously insured under the social insurance law, and the insurance and pensions laws referred to in Article (2) of the promulgation law .

The provisions of work accidents insurance shall also be applicable to workers whose ages are less than 18 years, and those on probation, and industrial apprentices, and students employed in summertime working projects, and those charged with public service duties according to law No. 76 for the year 1973 concerning public service for youths who have completed their educational stages .

ARTICLE (4) :

Under the provisions of this law, insurance with the competent authority shall be compulsory, and it is not permitted to charge the insured persons with any part of insurance costs except where stipulated by a special provision.

DEFINITIONS

ARTICLE (5) :

For applying the provisions of this law:

A) The expression (competent authority) means: The general insurance and pensions authority, or the general social insurance authority, according to the case.

B) The expression (directorate) means : The board of directors of the general insurance and pensions authority, or the general social insurance authority, according to the case.

C) The expression (the insured person) means : The worker subject to the provisions of this law, and the pensioner benefiting by the medical insurance.

D) The expression (The Employer) means : Whoever employs one or more workers who are subject to the provisions of this law.

E) The expression (work injury) means : Any of the vocational diseases indicated in Schedule (1) hereto attached, or any injury caused by an accident occurring during the performance of work or resulting from it. The injury resulting from exertion or exhaustion from work shall be considered a work injury where it fulfills the conditions and rules to be specified a decree of the Minister of Insurance in accord with the Minister of Health. Also, shall be considered as a work injury, any accident which happens to the insured person during the time of his going to perform his work, and during his return from it, provided that going to and returning from his work will be without stoppage, or falling behind, or deviation from the normal route .

F) The expression (the injured person) means : A person who sustains a work injury.

G) The expression (the sick person) means : A person who falls sick by a disease or an accident other than work injury.

H) the expression (total disability) means : Any disability which leads to the permanent quality of loss of ability to the insured person to perform job totally or partially in his original occupation, or generally the loss of ability to earn, and in cases of mental diseases, as well as chronic and incurable diseases to be specified by a decree of the Minister of Insurance in agreement with the Minister of Health .

I) The expression (wage) means : All cash payments obtained by the insured person from his original employer in consideration of his original work.

The work to which the insured person is delegated for full time, or to which he is seconded inside the territory, shall be considered as the main work at the original work location.

They include:

1. The basic wage which shall be taken to mean:

A- The wage provided for, in the table enclosed with the employment schemes relatively to the insured persons provided for in Item (A) of Article .

B- The wage provided for in the labour contract, as well as the rises occurring therein excluding the elements which are regarded as forming part of the variable wage relatively to the insured persons provided for in Items (B and C) of Article (2), taking into consideration that this wage should not be less than the minimum wage provided for in the tables referred to in Item (A) nor should it exceed L.E. 3000.

If the whole wage is calculated on piece rate, or commission basis, such wage shall be regarded as being a basic wage within the limits of the maximum referred to.

2. The variable wage which shall be taken to mean the remainder obtained by the insured person, particularly the following :

A- The incentives.

B- The commissions.

C- The gratuity.

D- The allowances, and the Prime Minister shall -upon the proposal of the Minister of Insurance- determine the

allowances which shall not be regarded as an element of the subscription wage.

E- The overtime wages.

F- The compensation for extraordinary efforts.

G- The high cost of living allowance.

H- The social rises.

I - The additional social rise.

J - The group bonuses.

K- The group gratifications.

L - The share of the insured person in the profit.

M- The amount in excess of the maximum limit of the basic wage , and the Minister of Insurance shall issue a decree for calculating the elements of this wage.

N- A person incapacitated from earning, is any person who sustains an incapacity preventing him totally from work, or reducing his capacity to work by 50% at least. It is stipulated that such incapacity should have been sustained since birth or as a result of an accident or disease the person may be struck by before the age of 60

HEALTH INSURANCE

MEDICAL TREATMENT AND CARE

ARTICLE (47) :

THE EXPRESSION "Medical Treatment and care" means the following :-

1. Medical services rendered by general practitioner.

2. Medical services at the level of specialists including dentist specialists .

3. Domestic medical care when necessary.

4. Hospitalization or treatment at sanitoriums, or specialised centres.

5. Surgical operations and other medical treatments as necessary.

6. Radiography and other necessary laboratory analysis, medical check-up and such like medical requirements.

7. Providing necessary medicines in all cases referred to above.

8. Providing rehabilitation services: including artificial limbs, and compensating devices according to terms and positions determined by a ministerial decree from the minister of Health in agreement with the Minister of insurance .

FINANCING AND SCOPE OF APPLICATION

ARTICLE (72) :

The Disease Insurance shall be financed through the following:

(1) monthly contributions which include:

A. The employer`s share assessed as follows:

1- 3% of wages of insured persons - in the State Administrative System, public Authorities, General Organizations, and Economic Units affiliated to any of such quarters, and other economic units in Public Sector-for treatment and medical care. Such quarters shall be held responsible for paying wage indemnityu, and transport expenses stipulated upon in this part.

(2) 4% of the wages of the insured persons stipulated upon in the two items.

B- The insured person`s share assessed as follows:

- 3% for treatment and medical care.

- 1% for paymentg of wage indemnityu, and transport expenses.

The Minister of Insurance may exempt the employer from paying this contribution in return of his obligation to pay the said entitlements.

C- The Insured persons` share assessed as follows:

1- 1% of the wages in respect of the personnel.

2- 1% of the pensions in respect of the pensioners who ask to enjoy the bednfits of treatment and medical care prescribed under this part.

The employer may introduce treatment and medical care to the sick person according to the provisions of this part by a permission of the Health Insurance Public Authority in accordance with the conditions and situations included in the decree stipulated upon, in the Article (48) in return of reducing contributions ratio allocated for treatment and medical care to 1% of insured persons wages, and in this case, the contributions stipulated upon in Item (2) -a of Article (83) shall be withsuch amount.

(2) The yield of investing the said contributions.

ARTICLE (73):

The provisions of this part , shall apply gradually to workers engaged by employers to be determined by a decree issued byh the Minister of Health, without prejudice to entitlements of the insured persons who enjoyed Health Insurance benefits pursuant to the provisions of Law No. (63) for the year 1964, or Law No. 75 for the year 1964, referred to.

ARTICLE (74):

The provisions of treatment and medical care stipulated upon in this part shall apply to pensioners who may request to take advantage thereof at the date of submitting the paalication for obtaining payment of the pension.

pensioners whose service terminated up,till first of july, 1981 have the right to express wish to take advantage of the provisions of sick insurance during one year starting from the date referred to; and this provision shall apply to those who fulfill the requirements in respect of one of the cases of pension entitlement for insured persons, during six months of the date referred to.

In all cases, the pensioner who applied for taking advantage of the mentioned provisions is not allowed to omit his application.

ARTICLE (75):

At the proposal of the Minister of the Minister of Insurance, and after agreemeent with the Ministerof Health, the prime Minister may issue a decree enforcing the provisions of this insurance on the spouse of the insured person, or the pensioner, and his children whom he supportes, and this decree shall indicate the conditions and situations for taking advantage of of this insurance, and shall determine the ratio of contribution .

ARTICLE (76):

It is provided for the sick, taking advantage of this insurance that the patient shall have contributed to it for a period of three consecutive months, or six interruted months, provided that the last two months should be consecutive. The periods during which he took advantage of treatment rendered by the employer at his expense, shall be included in calculating such period.

The condition stipulated upon, in the last paragraph

shall not apply in respect of the insured persons working in the state Administrative system, public authorities, and general organizations, and their affiliated economic units, as well as other public sector economic units, also it shall not apply to the pensioners

ARTICLE (77)

The enforcement of the provision of this insurance shall be suspended during the following periods:

1) The period during which the insured person is engaged in work with a quarter not subject to this insurance.

2) Periods of compulsory military service, retention, and summons for the Armed Forces.

3) Periods of special leaves, secondment, and study and educational leaves which the insured person spends abroad.

THE PECUNIARY ENTITLEMENTS OF THE PATIENT

ARTICLE (78):

If the disease of the insured person prevented him from performing his work, the quarter concerned with wage indemnity payment shall undertake to whom during his illness period an indemnity equals to 75% of his daily wage in respect of which contributions were paid, for a period of ninety days after which such indemnity shall be raised to 85% of the said wage, provided that in all cases, the indemnity shall not be less than the minimum limit of wage stated by law.

Payment of such indemnity shall continue for the duration of his illness, or until his total disability is established, or the occurrence of death provided it does not exceed 180 days in one calendar years.

With exception of the foregoing provisions, the patient suffering from tuberculosis, leprosy, mental disease, or any chronic disease shall be granted an indemnity equals to his full wage through the duration of his illness until he recovers, or until his state of health is steady, in a manner that enables him to resume his work, or until disability is established as total and complete disability.

The chronic diseases referred to in the preceding paragraph shall be determined by a decree issued by the Minister of Health in agreement with the Minister of

Manpower.

The quarter responsible for paying wage indemnity may decide to stop the payment of this indemnity for the period during which the insured person violates treatment instructions.

The state administrative Machinery units, the public authorities, and public sector units should carry out stipulation, without the need for issuing the decree of the Minister of Health, referred to in Article (73).

Article (79):

The insured female in state of pregnancy and confinement shall be entitled to have wage indemnity equals to 75% of the wage referred to in the first paragraph of Article (78) payable by the quarter in charge of paying wage indemnity, through the duration of pregnancy and confinement leave prescribed in Labour Law, or Civil Servants Schemes of the State, or Public Sector, according to cases, provided her period of contribution to the insurance is not less than ten months.

ARTICLE (80):

The quarter in charge of paying wage indemnity, shall bear the expenses of conveying the patient by ordinary means of transport from his place of residence to the place of treatment, if it lies outside the boundaries of the city where he lives, & by special means of transport if the treating doctor decided that the patient's state of health does not allow for using ordinary means of transport.

A decree shall be issued by the Minister of Insurance at the proposal of the board of directors in respect of the regulations to be followed in organizing the conveyance of patients and the costs involved

GENERAL RULES

ARTICLE (81):

The provisions of this insurance shall not prejudice the rights of the injured or sick person which he may have pursuant to laws, regulations, special schemes, joint contracts, or agreements, or others, in respect of wage indemnity, and levels of service, with regard to the surplus entitlements than those prescribed in this insurance.

ARTICLE (82) :

The Minister of Health in agreement with the Minister of Insurance shall issue the decrees enforcing the provisions of the present part, except where special stipulation provided otherwise.