

Chapter 5  
**HEALTH INSURANCE**  
(SICKNESS AND MATERNITY)

- 5.1 Historical Background**
- 5.2 Financing and Scope of Insurance**
- 5.3 Insurance Benefits**
- 5.4 General Rules**

## **5.1**

### ***Historical Background***

- Medical benefits were first provided through labour laws provisions to workers and employed in big establishments.

- Social Insurance Law No. 92/1959 contained some enabling provisions only.

- First law for sickness and maternity was Social Insurance Law No. 63/1964 for workers in public and private sectors and No. 75/1964 for governmental employees and workers.

#### **Administrative Organisation:**

- Ministry of Health: General supervision.
- Health Insurance Organisation : Administration of medical benefits (benefits in kind) through its own hospitals and managed by a tripartite board.
- Social Insurance Organisation : Administration of cash benefits and contributions.

## **5.2**

### ***Financing and Scope of Insurance***

#### **Insurance Financing:**

The Disease Insurance shall be financed through the following: (Article 72)

##### **(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

indemnity, 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 payment of wage indemnity, 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 benefits 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 with such amount.**

**(2) The yield of investing the said contributions.**

## **Scope of Insurance:**

**1- The provisions of this part, shall apply gradually to workers engaged by employers to be determined by a decree issued by the Minister of Health. (Article 73)**

**2- 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 application 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 74)

3- At the proposal of the Minister of Insurance, and after agreement with the Minister of 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 supports, and this decree shall indicate the conditions and situations for taking advantage of this insurance, and shall determine the ratio of contribution. (Article 75)

### **5.3**

#### ***Insurance Benefits***

#### **Entitlement conditions :**

**A- To enjoy the benefits of this insurance the sick person (who has an injury or an accident other than labour injury) should have contributed to it for 3 consecutive months or 6 intermittent months on condition that the last 2 months are consecutive. To enjoy pregnancy and delivery compensation the contribution period should not be less than 10 months.**

**B- The enforcement of the provisions 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. (Article 77)

### **Treatment and medical care:**

**The sick person and the pregnant female enjoy treatment and medical care as provided for by the labour injuries insurance benefits.**

### **Temporary Compensation : (Article 78)**

**If the disease of the insured person prevented him from performing his work, the quarter concerned with wage indemnity payment shall undertake paying to him 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 this stipulation, without the need for issuing the decree of the Minister of Health, referred to in Article (73).

#### **Travelling expenses : (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 <sup>(1)</sup>.

Note : Travelling expenses are paid to the sick person from his residence to the place of treatment during the period of treatment and medical care.

#### **Pregnancy (Care and Compensation): (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.

#### **5.4**

### ***General Rules***

1- 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 81)

2- 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. (Article 82)





## Chapter 6

# UNEMPLOYMENT INSURANCE

- 6.1 Historical Background.**
- 6.2 Financing and Scope of Insurance .**
- 6.3 Insurance Benefits (Compensation ).**

## **6.1**

### ***Historical Background***

**First Law: 143/1961 provides for loans to be given to unemployed workers benefiting from old age insurance. These loans had to be reimbursed when the worker got a new job.**

**Law No. 63/1964 introduced, for the first time, the unemployment compensations.**

**Current Law : No. 79/1975 provides unemployment insurance system.**

## **6.2**

### ***Financing and Scope of Insurance***

#### **Insurance Financing : (Article 90)**

**The unemployment insurance shall be financed through the following:-**

- 1- The monthly contributions to be paid by the employer at the rate of 7% of the wages of the insured persons.
- 2- The yield of investment of these contributions.

#### **Scope of Insurance : (Article 91)**

**The provisions of this chapter apply to the insured persons subject to the provisions of this law, except the following categories:-**

- 1) Workers of the administrative machinery of the state, and public authorities.

2) Members of the employer's family at individual establishments up to the second degree, as well as the partners who perform work in return of wage at their own companies.

3) The workers attaining 60 years of age.

Conditions and positions of the categories referred to herein shall be regulated by a Republican Decree, in order that they may enjoy the benefits of this insurance, provided that such decree shall define the method of calculating the wages in their respect.

4) The workers who are employed in casual or temporary works, and specially workers who are engaged in contracting works, and seasonal workers, and stevedoring workers.

### **6.3**

#### ***Insurance Benefits***

*(Compensation )*

#### **A- Entitlement conditions:**

1- The insured person should not have resigned from service.

2- The termination of service should not have been because of a final judgment in a felony or ethical misdemeanor, otherwise the insured person is entitled only to half of the compensation.

3- The contribution period should not be less than 6 months with 3 consecutive months before each unemployment period.

4- The insured person should be able and willing to work.

5- The insured person should have recorded his name in the unemployment record at the competent employment office and should have visited this office at regular periods.

**The unemployment compensation shall be due as of the eighth day of service termination, or work contract, according to the case.**

**The compensation shall continue to be paid to the insured person until the day preceding the date of his being engaged in an employment, or for a period of 16 weeks whichever is earlier. This period shall be extended to 28 weeks if the contribution period to this insurance exceeds 24 months.**

**The compensation shall also be paid during the period of vocational training determined by the Manpower office. (Article 93)**

## **B- Cases of devolution:**

**1- If the insured person refuses a job the wage of which is not less than 75% of the last wage and suits the insured person's qualifications, experience, occupational and physical abilities and lies within the governorate in which he worked at the time of his unemployment.**

**2- If his self - employment or paid employment for a wage not less than the compensation are certified.**

**3- If he is entitled to a pension not less than the compensation.**

**4- If he migrates or leaves the country.**

**5- If he reaches the age of 60.**

## **C- Cases compensation suspension:**

**1- If the insured person fails to pay regular visits to the competent manpower office within the days fixed for him for an unacceptable reason and until the reason for suspension disappears.**

**2- If he refuses the training prescribed to him by the competent manpower office until he has regular training.**

**3- Military service on condition that the right to compensation is valid after the end of the military service without including it in the entitlement period.**

**4- If the insured person has a paid job the wage of which is less than the compensation, here the difference between wage and compensation is due.**

**5- If he is entitled to a pension less than the amount of compensation, here the difference between compensation and pension is due.**

#### **D- Calculating of compensation:**

**Compensation falls due as from the eighth day of the termination of service and until the day prior to the date of having a new job or for 16 weeks which ever is earlier. The period is increased to 28 weeks if the period of contribution to insurance exceeds 24 months.**

**Compensation is payable during the period of vocational training determined by the employment office. Compensation is calculated at 60% of the insured person's last monthly wage and is reduced to 30% of the last wage on the basis of which contributions were paid, if the insured person's service is terminated for any of the following reasons:-(Article 95)**

**1) If he assumes a false personality, or his submission of forged certificates or papers.**

**2) If the insured person is appointed under probation.**

**3) If he commits a mistake resulting in an enormous loss to the employer, provided the employer shall notify it to the competent authorities within 24 hours from the time the mistake comes to his knowledge.**

**4) If he fails to observe the instructions which ought to be followed for the safety of workers, or that of the establishment, provided such instruction shall be in writing and posted in a visible place.**

5) If he is absent without reason for a period more than that stipulated upon by laws and regulations on employment, or work, according to the case.

6) If he fails to perform essential work commitments.

7) If he divulges the secrets of work.

8) If he is found during working hours to be in a state of drunkenness or under drug influence.

9) If he attacks the employer or the chief in charge, and also if he grievously attacks one of his bosses at the work during or by reason of work.

### **Question:**

**Concerning unemployment insurance determine:**

**A- Entitlement conditions.**

**B- Calculating of compensation.**

Chapter 7  
**BENEFICIARIES**  
AND ENTITLEMENTS CONDITIONS

- 7.1 Determining the Beneficiaries**
- 7.2 General Rules**
- 7.3 Distribution of Death Pension**

## **7.1**

### ***Determining the Beneficiaries***

If an insured person or a pensioner dies, his beneficiaries shall have the right to receive a pension, according to the shares and provisions as laid down in Schedule (3) attached, as of the first of the month in which the death occurs.

Beneficiaries entitled to pension are: the divorcee, the husband, the sons, and daughters, the parents, the brothers and sisters, who at the death of the insured or the pensioner shall fulfill the requirements of entitlement as stipulated upon in the following items: (Article 104)

**First : The Widow or the Divorce and the Disabled Husband :**

**A- For the entitlement of the widow or divorcee, it is a condition that the marriage should be notarized or established under a final court judgment, delivered in a case brought during the survival of the husband, and the Minister of Insurance shall under decree issued by him determine other documents in proof marriage, in some of the cases in which it is difficult to prove it through the foregoing means. (Article 105)**

It is also a pre-condition, for the widow that the marriage or the authentication of marriage shall have taken place before the insured person or the pensioner attains the age of sixty. Shall be excepted therefrom the following cases:-

**1- The case of the widow whom the insured person or the pensioner has divorced before he attained the age of sixty, then married her after that age.**

**2- A marriage case in which the age of the wife is 40 at least at the time of marriage, provided the insured person or pensioner should have no other wife, or**



**divorcee qualified for a pension, and whom he had divorced despite her wish after he attained the age of sixty, and who is still alive.**

**3- Marriage cases which took place before the present law comes into force - It is conditioned for the divorcee that:-**

- 1) She should have been divorced despite her wish.
- 2) Her marriage to the insured person or the pensioner should have continued for a period of not less than 20 years.
- 3) She should not have got married to another husband.
- 4) She should not be receiving any kind of income equivalent to or exceeding the amount of her pension entitlement.

**If the income is less than her pension entitlement, a pension shall be assessed to her equivalent to the difference between the pension, and her income.**

**However, if the amount of each of the income and the pension is less than L.E 30 the pension shall be assessed to her not exceeding the amount of the income and the pension together. In all cases, the rest will devolve to the widow if she is alive, and if not, the rest shall devolve to the children.**

**B- It is conditioned, for the husband to be entitled to a pension that:-(Article 106)**

- 1) The marriage contract should be authenticated.
- 2) He should be disabled from earning his living according to the information submitted in the application for pension payment, provided this will be supported by a decision of the Health Insurance General Authority.
- 3) The marriage contract should have been concluded before the insured wife or the pensioner- wife attained the age of sixty.

## **Second : Sons and Daughters :**

**1- It is conditioned for the sons to be entitled to pension, that the son should be under 21 years of age.**

**The following cases shall be excepted from this condition :-(Article 107)**

1- A son disabled from earning.

2-A student in an educational stage not beyond that of a bachelor, and licentiate academic degree, or an equivalent degree, provided he is still under the age of 26, and full- time student.

3- That who obtained a final qualification not beyond the stage referred to in the previous item, and without having yet joined a job, or engaged in a profession, provided he is still under the age of 26 with regard to holders of the bachelor and licentiate academic degrees, and under the age of 24 with respect to holders of lower qualifications.

**2- It is conditioned for the daughter to be entitled to a pension that she should not be married.(Article 108)**

## **Third : Brothers and Sisters :**

**For the brothers and sisters to be entitled to pension, it is provided that- besides the conditions for sons and daughters to be qualified for pensions- the legator's support of such brothers and sisters should be established by an administrative certificate.(Article 109)**

## **7.2 General Rules**

**1- Should one of the beneficiaries fulfill the requirements of his entitlement to more than one pension from the fund, or from the two funds, or from one or both of them, as well as from the public**

**treasury, such beneficiary shall not be entitled except to one pension, and the priority of this entitlement shall be in accordance with the following order: (Article 110)**

- 1) The pension due for himself.
- 2) The pension due in respect of the husband or the wife
- 3) The pension due in respect of the parents.
- 4) The pension due in respect of the children.
- 5) The pension due in respect of brothers and sisters.

**Should the pensions due in respect of the insured persons, pensioners be of one category, the pension falling due is that which was first entitled.**

**If the pension due in accordance with the foregoing be less than the other pension, the difference shall be paid to him out of the latter pension.**

**2- The beneficiary's pension shall be suspended in the following cases:- (Article 111)**

1) Entering any employment yielding a net income equal to, or exceeding the amount of pension. If such income is less than the amount of the pension due, the difference shall be paid to him. A net income shall mean the total income obtained by the worker, less his share in the social insurance contributions and taxes at the date of his joining the work, then in January every years.

2) Practicing a commercial or non- commercial profession regulated by laws or regulations, for a period exceeding five consecutive years. His right to the payment of pension shall be restored in case of cessation to practice this profession, as of the first of the month following the date he ceases to practice such a profession .

**3- The way of exception to the provision banning the combination of the jobs, as prescribed in Articles (110 and 111), the beneficiary shall combine his income from job or profession and pensions, within the**

**following limits:-(Article 112)**

1) The beneficiary shall combine the income and pension within the limits of fifty pounds per month, without prejudice to the right to combine the pension and the income to the extent exceeding the said limit in respect of the cases of entitlement prior to 1.9.1975, provided the beneficiary was entitled to such right.

2) The beneficiary shall combine pensions within the limits of fifty pounds per month, and the pension shall be completed to this amount in the order referred to in Article (110).

3) Sons shall combine the two pensions to which they are entitled from their parents, without limits.

4) A widow shall combine the pension she is entitled to from her husband, and her own pension in her quality as benefiting by the provisions of the present law. She shall also combine her pension from her husband with her income from her job or occupation, without limits.

5) With due regard to the provisions of Article (71), a beneficiary shall combine the pensions accruing to him from one person, without limits.

**4- The pension of beneficiary shall be discontinued in the following cases: (Article 113)**

**1) The decease of the beneficiary.**

**2) The marriage of a widow, divorcee, daughter or sister. The daughter or sister shall in this case be given a grant equivalent to the pension due for her, for a period of one year with a minimum of fifty pounds, and this grant shall be paid only one time.**

**3) The attainment by the son or the brother, of the age of 21. The following cases shall be excepted:-**

a- The disabled person, until the condition of disablement no longer exists.

b- The student, until he joins a work, or is engaged in a profession, or at the date of his attaining the age of 26 whichever is earlier. The payment of pension for the student who attains the age of 26 shall continue during the academic year, until the end of that year.

c- The holder of a final qualification degree until he joins a job or his performing a profession, or at the date of his attaining the age of 26, with regard to those holding bachelor or licentiate academic degree, and the age of 24 for holders of lower final qualifications whichever of the two dates is earlier.

**4) The fulfillment of the conditions of entitlement to another pension, with paying due regard to the provisions of the two articles (110) and (112).**

**5- If the daughter or the sister is divorced or becomes a widow, or the son, or the brother is disabled from earning his living after the death of the insured person or the pensioner, each of them shall be granted the pension to which he or she is entitled, assuming their entitlement to the pension as at the date of the legator's death, without prejudice to the rights of the rest of beneficiaries. (Article 114)**

**A widow entitlement for pension shall be restored to her if she is divorced or becomes a widow without being entitled for a pension from her last husband.**

**If the pension for which the entitlement shall be restored, has been devolved partly or wholly to the rest of beneficiaries, their pension shall be reduced by the value devolved to each of them of such pension.**

**The son or the brother who was not qualified for a pension at the date of the legator's death, and who joined an educational stage not beyond that of obtaining the bachelor or licentiate academic degree, and was under the age of 26, shall be granted what he was entitled of a pension, assuming its being due at the said date . The pension of the rest of the beneficiaries shall be reassessed on that basis.**

**After his pension is stopped, it shall devolve to those whose shares have been reduced with the value of such pension.**

**Each of the sons, daughters, parents, sisters and brothers who were deprived of pensions under the**

Insurance and Pensions Law, or Social Insurance Law, shall be paid what they were entitled of pension, assuming they were entitled to it at the date of the legator's decease, without prejudice to the rights of the rest of beneficiaries, if they fulfill in respect thereof the conditions of pension entitlement stipulated upon in the present law .

6- In case the pension of the beneficiary is suspended or discontinued, the pension for the month during which the case for stopping or discontinuing the pension took place shall be paid on the basis of a full month.(Article 115)

In case the pension of some beneficiaries devolve to other beneficiaries, the pension shall be reassessed as of the first of the month following the date such entitlement falls due.

If the beneficiary died before payment of the pension for the month during which he died, his pension shall be stopped as of the first of the month during which the decease takes place, and in this case pension is devolved, and such devolution shall take place as of that date.

As an exception of the first paragraph of this Article, a pension shall continue to be paid, in cases of the beneficiary's disability, for the month determined for his medical examination, also for the month following it.

7- If the pension, the son or the brother is entitled to, has not devolved to the rest of beneficiaries after it was stopped, it shall then be repaid to him in case his wage is stopped during his compulsory military service, so long as he has not attained the age of 26. (Article 116)

## 7.3 *Distribution of Death Pension*

### Distribution of Pension to Beneficiaries in case of Death Schedule No.(3)

Case NO	Beneficiary of pension	Due shares in pension			
		Widow or Husband	children	parents	Brothers and Sisters
1-	Widow, or widows or husband and one or more children	1/2 (to be distributed equally if more than one).	1/2(to be distributed equally if more than one).	—	—
2-	Widow, or widows or husband and one or two parents	2/3	—	1/3 for either or both, to be distributed equally.	—
3-	Widow, or widows or husband and one sister or brother or more	3/4	—	—	1/4 to any or all of them, to be distributed equally
4-	Widow, or widows or husband only.	3/4 (to be distributed equally if more than one).	—	—	—
5-	Widow, or widows or husband and one or more children and one or two parents	1/3	1/2	1/6 for either or both, to be distributed equally.	—
6-	One child	—	2/3 the	—	—
7-	More than one child	—	Whole pension, to be distributed equally.	—	—
8-	One child, and one or two parents	—	2/3	1/3 for either or both, equally.	—
9-	More than one child, and one or two parents.	—	5/6	1/6 for either or both, equally.	—

### Schedule No. (3) <continued>

Case NO	Beneficiary of pension	Due shares in pension			
		Widow or Husband	children	parents	Brothers and Sisters
10-	One or two parents	—	—	1/2 for either or both equally.	—
11.	One brother or one sister, or more	—	—	—	1/2 to either or to all of them and to be distributed equally among them.
12	One or two parents, and one brother, or one sister or more.	—	—	1/2 for either, or both of them equally	1/4 to either or to all of them equally

#### Notes on Schedule No. (3):

1. The divorcee and the entitled husband should be regarded as being equal to the widow.

2. In the event of the pension of one of the beneficiaries being suspended or severed in whole or in part, it devolves to the remaining beneficiaries who are of the category of this beneficiary. In the absence of other beneficiaries of this category, the pension devolves to the remaining beneficiaries of the other categories.

In the absence of other beneficiaries of this category, the pension devolves to the remaining beneficiaries of the other categories. If the share of the beneficiary, to whom the pension devolved, exceeds his maximum share as shown in the table according to the condition at the date of devolution, the remainder should be delivered over the following category, and in all this, the order indicated in the table below should be taken into consideration:



<b>Category of the beneficiary whose pension is suspended or severed.</b>	<b>category of the beneficiary to whom the pension is devolved over.</b>
<b>The widow.</b>	1 . The children 2 . The parents. 3 . The brothers and sisters.
<b>The childrens.</b>	1 . The widow.  2 . The parents.
<b>The parents</b>	1 . The widow 2 . The children. 3 . The brother and sisters.

**Before giving effect to the rule of devolution of the pension, or devolving it over, it should be taken into consideration to deduced the pension which may have fallen due without touching the pensions of the remaining beneficiaries.**

**3. In the event of the reasons of suspending the pension of the beneficiaries in whole or in part being eliminated, the pension should be re- distributed among all the beneficiaries at the date of the reason being eliminated.**

**4. The share of the beneficiary, to whom a part of the pension is devolved over should be fixed to the extent of not exceeding the maximum limit fixed in the table, according to the condition**

**5. The pension granted in excess of the pension of the deceased person should not be devolved over in the event of its being suspended or severed.**

**6. In case of distributing the pension between the widow category and the parents category :**

**- In case of suspending the pension of parents, the remaining of their share after refunding to the category of widows, shall devolve to the sisters and brothers in whose respect the conditions of deserving pension are fulfilled at that date, within the limit of one quarter.**

**- In case of suspending the pension of widows category, one quarter of the inherited pension shall revert to the brothers and sisters in whose concern, pension deserving conditions, fulfilled, at this date.**

### **Problem:**

**1. Determine the entitlement conditions of death pension for two only of the beneficiaries** (widow, divorced women, husband, sons and daughters, brothers and sisters, father and mother)

**2. Explain how we distribute the death pension in three cases of entitlement.**

## Chapter 8

### **ADDITIONAL BENEFITS**

- 8.1 Additional Compensation**
- 8.2 Death Allowance**
- 8.3 Funeral Expenses**
- 8.4 Loans**
- 8.5 Missing Persons Benefits**
- 8.6. Social Care Insurance for Pensioners**

## **8.1**

### ***Additional Compensation***

#### **Cases and Conditions of Entitlement:**

**1- The additional lump sum indemnity shall be due in the following cases : (Article 117)**

a) Termination of service of the insured person for total or partial disability, when this leads to his entitlement to pension.

b) End of service of the insured person through his decease.

c) Death of the pensioner without there being beneficiaries entitled to the pension.

d) Establishment total disability, or the occurrence of death resulting from a work accident, after the termination of service. The additional lump sum indemnity, in case of its becoming due as a result of death, shall be paid to those defined by the insured person, or the pensioner before his death. If he has not defined any, it shall be paid to the legitimate heirs. It is conditional for the deserving of the additional indemnity amount, that the insured person shall have a subscription period in the insurance not less than three continuous months, or six intermittent months.

**2- This condition shall not be applicable, in the following cases:**

(a) The insured persons, provided for in item(a)of article (2),and also the insured persons provided for in item(b) of the same article, who are subject to employment regulations issued according to law, or whose wages, allowances and promotions were fixed pursuant to collective agreement concluded pursuant to the labour law, whenever the Minister of Insurance approves such regulations and agreements, according to the proposal of the competent authority.

(b) Shifting of the insured person from the personnel provided for, in the previous item of this paragraph to work in private sector, and in whose concern, the deserving case provided for in item (3) of article (18) is found.

(c) The establishment of the insured person's disability, or the occurrence of his death, due to work injury.

**It is also conditioned, for the entitlement to the additional lump sum indemnity with regard to the insured person who was in the military service, that he should add the period of his military service to the civilian service.**

## **The Indemnity Calculation :**

**1- The amount of additional indemnity shall be equal to a percentage of the annual wage to the age of the insured person, at the date of establishing the entitlement case, and according to Schedule No. (5).**

**Percentages of Amounts of Additional Indemnities  
Table NO. (5)**

<b>Percentage of Amounts Age of Additional indemnities</b>		<b>Percentage of Amounts Age of Additional indemnities</b>	
up to 25	267%	up to 44	140%
26	260%	45	133%
27	253%	46	127%
28	247%	47	120%
29	240%	48	113%
30	233%	49	107%
31	227%	50	100%
32	220%	51	93%
33	213%	52	87%
34	207%	53	80%
35	200%	54	73%
36	193%	55	67%
37	187%	56	60%
38	180%	57	53%
39	173%	58	47%
40	167%	59	40%
41	160%	60	33%
42	153%	up to 62	25%
43	147%	over 62	20%

### **Remarks :**

**- In the assessment of the age, the fractions of a year shall be regarded as one complete year.**

Annual wage means the average monthly wage on the basis of which the pension to be paid by the Fund was assessed, multiplied by 12.

In cases of partial disability, half of the amount referred to in the first paragraph shall be paid. In all cases, the amount of additional indemnity shall be increased by a ratio of 50%, in respect of the cases resulting from a work injury.

The additional indemnity lump sum shall be doubled in case it falls due as a result of the insured person's termination of service because of death, without there being pension beneficiaries. (Article 118)

2- If the service of the insured person is terminated because of disability, and he was entitled to an additional indemnity, then he was reinstated to service, and his service is terminated for the second time due to disability, the amount of additional indemnity already paid to him for the first disability, shall be deducted from the amount of indemnity payable to him for the last disability. (Article 119)

## **8.2**

### ***Death Allowance***

1- On the death of the insured person, or the pensioner, an allowance shall be payable for the month during which death occurs and the two subsequent months, in addition to his due wage for the days of work during the month of his decease.

The allowance shall be evaluated equal to the wage or pension payable for the month during which the death occurs. Such allowance shall be paid through the body wherefrom he received the wage, or that which was bound to pay his pension according to each case. In respect of an insured person working for departments referred to in item (a) of article (2), the allowance shall be

payable out of the account from which the wage was being paid. (Article 120)

2- The amount provided for, in the previous article shall be payable to those defined by the insured person, or the pensioner. If he did not define anyone, they shall be payable to the widows, and in case of their nonexistence, they shall be payable to the sons and daughters in whose concern the conditions of deserving a pension provided for, in articles (107) and (108) are fulfilled.

If the insured person, or the pensioner has a widow, and sons fulfilling the conditions prescribed in the previous paragraph, who were not borne of that widow, it shall be observed that the aforementioned amounts shall be divided according to the number of marriages. If none is found of those mentioned before, the grant shall be payable to both parents, or either of them, and in case of their non existence, it shall be payable to his brothers and sisters, in whose concern, the conditions referred to in article (109) are fulfilled .

If the allowance is payable to minor sons, brothers, and unmarried sisters, it shall be paid to the person in charge of their affairs, whose quality shall be established by an administrative certificate.(Article 121)

### **8.3**

#### ***Funeral Expenses***

In the event of death of the pensioner, the authority paying the pension shall be under the obligation to pay funeral expenses at the rate of two months' pension with a minimum of L.E 200. Payment shall be made to the widow and, in the absence of a widow, to the adult son, or to any person proved having undertaken the payment of funeral expenses.

Payment of these expenses should be made within three days at the most from the date of submitting the application . (Article 122)

## 8.4 *Loans*

Social Insurance Organization can afford cash loans to the insured persons and pensioners. The lump sum loan shall be determined in accordance with the following schedule (No. (7) attached), the age of the insured person or the pensioner at the date of medical examination and his health condition.

Capital Corresponding to one Pound of Cumulated Pension

Age on commutation		for a period of (5) years		For a period of (10) years		For a period of (15) years	
		L.E	M.	L.E.	M	L.E.	
up to	M						
	40 year	53.	300	94.	800	126.	600
	41	53.	250	94.	600	126.	100
	42	43.	200	94.	400	125.	600
	43	53.	150	94.	200	125.	100
	44	53.	100	94.	-	124.	600
	45	53.	050	93.	700	124.	100
	46	52.	950	93.	400	123.	500
	47	52.	850	93.	100	122.	700
	48	52.	750	92.	800	121.	900
	49	52.	650	92.	400	121.	-
	50	52.	550	91.	900	120.	-
	51	52.	450	91.	400	118.	900
	52	52.	300	90.	800	117.	700
	53	52.	150	90.	200	116.	400
	54	52.	-	89.	500	114.	900
	55	51.	800	88.	800	113.	300
	56	51.	600	88.	-	111.	600
	57	51.	350	78.	100	109.	800
	58	51.	100	86.	100	107.	900
	59	50.	800	85.	100	105.	800
	60	50.	500	85.	-	103.	600
	61	50.	150	82.	800	----	----
	62	49.	800	81.	400	----	----
	63	49.	350	79.	900	----	----
	64	48.	900	78.	300	----	----
	65	48.	400	76.	700	----	----



**Remarks :**

1. In the assessment of the age, fractions of the year shall be regarded as one complete year.

2. In closing the age, the period of extension which the concerned medical authority authorizes should be observed, according to the state of health of the commutation application applicant; and the result of the medical examination shall remain valid for a period of one year from the date of issue of the concerned medical authority report, to complete commutation formalities.

3. Commutation shall not be allowed for those whom the concerned medical authority declares that they are of bad health.

4. Commutation shall not be allowed for those whose ages are more than 65 years, by taking into consideration the stipulation of Item No. (2).

**The loan pensions shall be within one- third of their amounts.**

**It is a condition that the rest of the pension after the loan premium shall not be less than the minimum, numeral limit for the pension.**

**The loan may not take place more than once every two years from the date of effecting the last loan.**

**This period may be reduced to one year, upon submitting justifying reasons, by a decree from the Minister of Insurance <sup>(1)</sup>.**

**The loan shall be considered valid as of the date its estimation value has been accepted. The first premium shall be deducted in advance from the wage or the pension.**

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(1) Decree No.161 for the year 1977, issued by the Minister of Insurance in respect of reviewing reduction of the period between the two commutations to one year, published in the official Gazette- edition no. 174 on 27.7.1977.

A fee with the amount of two pounds shall be imposed on each exchange to be made. This fee shall be paid to the competent authority deducted from the capital of exchange, and to be written down in special account, and the balance of this account shall be carried forward from a year to another.

Loan premiums shall be omitted with the death of the insured person or the pensioner. The debtor may at any time apply for the suspension of loan against paying to the fund amount to be defined in the decree prescribed in the following paragraph:

The Minister of Insurance shall issue a decree regarding the rules and conditions of the loans and the amount needed to be refunded in return of suspending the loans, and the manners in which the stipulated fee will be spent.

## **8.5**

### ***Missing Persons Benefits***

In case the insured person, or the pension is missed, his beneficiaries shall receive a monthly allowance equal to their entitlements to pension assuming his death, as of the first of the month he is found missing, until he reappears, or his death is established actually or by judgment.

If the insured person is found missing during the exercise of his work, the allowance shall be estimated as equivalent to the pension determined for work injury insurance, and the pension determined for old age, disability and death insurance, within the limits prescribed in article (71) (100% of last wage).

The Minister of Insurance shall issue a decision determining the procedures to be taken to establish the condition of such missing.

**After the elapse of four years, from the date of the missing or after establishing his death actually or by judgment, the date of missing shall be considered the date of service termination, for the assessment of all pension rights, and shall be payable according to the following:- (Article 124)**

a) The allowance assessed according to the first paragraph shall continue to be paid as a pension.

b) The amount of the additional indemnity shall be paid to the legitimate heirs who are living at the date of the elapsing of four years from the date he was found missing, or the date his death is actually established or by judgment unless the insured person has nominated other beneficiaries before he was found missing, in which case the amount will be paid to them.

c) The grant shall be payable to the beneficiaries stipulated upon in article 121, who are still alive at the date of the elapsing of four years from the date he was found missing, or the date his death is actually established or by judgment

**The provisions of this article shall apply to those found missing before the provisions of the present law came into force <sup>(1)</sup>.**

## **8.6**

### ***Social Care Insurance For Pensioners***

#### **Pensioners social welfare insurance benefits:**

##### **A- Kinds of social welfare:**

**1- Full accommodation in welfare houses to be established for this purpose.**

**2- Supply of cultural libraries and clubs provided with suitable means of recreation.**

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(1) The decree No. (214) for the year 1977 includes the provisions in respect of establishing the missing case.

- 3- Supply of suitable experts and superintendents.
- 4- Supply of means of recreation such as picnics, theatrical shows, going to summer and winter resorts and visiting public gardens.
- 5- Providing special facilities to be issued by a Republican decree as a relative reduction of the fees of transport, clubs, museums, exhibitions, cinemas and state- owned theatres as well as picnics organized by the state's administrative machinery units, general organizations and institutions, public sector units and accommodation at governmental treatment centers.

**B- How to provide social welfare:**

The General Organization for Insurance and Pensions and General Organization for Social Insurance should, within 5 years from 15<sup>th</sup> September 1975, establish social welfare houses for pensioners whether directly or in collaboration with Ministry of Social Affairs.

The experiences and capabilities of social welfare beneficiaries can be utilized against symbolic remuneration.

**C- Financing resources:**

The Minister of Social Insurance specifies the contribution to be paid by beneficiaries besides indirect financing resources such as the following:

- 1- The amounts of money to be annually earmarked by the Public Treasury for social welfare centers.
- 2- The annual allocations in the budgets of the General Organization for Social Insurance and the General Organization for Insurance and Pensions.
- 3- Donations and wills to be accepted by the Board of Directors of the competent organization.
- 4- The net revenue of parties, festivals and lotteries in the interest of these centers.
- 5- Other sources accruing from the activities of social welfare houses.

## **Financing of the Benefits and Facilities : (Article 99)**

**The finance of this insurance shall be constituted by the following:-**

- 1- Amounts allocated annually by the public treasury to social patronage houses.
- 2- The allocated annual amounts for the said insurance in the budgets of the two competent authorities.
- 3- Donations, and wills accepted by the competent authority's board of directors.
- 4- Net proceeds of festivals, fairs, and galas, and lotteries which are organized in favor of such houses.
- 5- Contributions payable by those enjoying benefits of the provision of item (4) of Article (102).
- 6- Other proceeds accruing from activity of social patronage houses.

## **Administration and General Rules for Benefits :**

**1- Each of the two competent authorities shall be held responsible for taking the necessary executive steps, within five years from the date this law comes into force in 01-09-1975, to start establishing houses for taking care of the pensioners the benefits of provisions of the present law, whether directly, or in co-operation with the Ministry of Social Insurance, for rendering social and living patronage to pensioners referred to, under circumstances of reasonable facilities, specially in the case of those having no families.**

**The social patronage shall include the following:**  
**(Article 100)**

- 1- Full board accommodation including dwelling, meals, and drinks.
- 2- Providing of cultural libraries, and clubs equipped with some appropriate entertainment facilities for the beneficiaries.

3- Providing experts and supervisors needed for the management of such houses, who should fulfill specific characteristics consistent with the beneficiaries conditions.

4- Provision of entertainment arrangement such as picnics and witnessing stage performances, staying at summer, and winter resorts, and visits to public parks.

**Experiences, and capabilities of social patronage beneficiaries may be resorted to, for performing tasks consistent with the state of each, in return of token remuneration payable to them, provided that the works entrusted to them are connected with the nature of their original works which they were performing before termination of their service.**

**2- It shall be observed in founding social patronage houses that they shall be divided into classes to keep with the types of beneficiaries, as well as their health conditions, and the living, family, and cultural standards they used to live in before termination of their service.(Article 101)**

**3- The Minister of Insurance shall determine by a decree, the conditions and situations necessary for implementing the provisions of this Chapter, particularly the following: (Article 102)(1)**

1- The way in which the beneficiaries accept patronage in the Social Patronage Houses.

2- Formation of Board of Directors of the Social Patronage Houses and determining their competencies, provided beneficiaries should be represented in the boards by one third at least.

3- Laying down the internal regulations for the Social Patronage Houses without being restricted to financial and employment rules, applicable by the administrative

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(1) Decree No. (44) for 1977 was issued by the Minister of Insurance on 19.2.1977, regarding the formation of the Permanent Committee for Social Patronage to Pensioners.

machinery of the state, public authorities, general organizations, or economic units affiliated to any one of them.

4- Determining the amount of subscription payable by each beneficiary.

5- Determining the standards of service necessary for social patronage.

6- Exchange of visits and residence at Social Patronage Houses between Egyptian foreigners in other countries.

**4- The President of the Republic may issue a decree, at the proposal of the Minister of Insurance, and after agreement with the concerned Ministers- granting the pensioners treatment pursuant to the provisions of this Law, special facilities to be specified in such decree, and in particular the following:(Article 103)(1)**

1- Relative reduction in railway communication tariff, as well as public transportation owned by the state within the cities.

2- A reduction in entry fees to clubs, museums, exhibitions, movie houses, and theatres owned by the state.

3- A reduction in the residence charges at the treating places belonging to the State Administrative Machinery.

4- A reduction in charges for journeys organized by the state administrative machinery, public authorities, or general organizations, and the economic units affiliated to any of them within the Arab Republic of Egypt, or abroad.

**In all cases, a reduction shall not exceed 75% of the official value.**

**5- The total permanent disability pensioner shall be entitled to a disability aid estimated at 20% monthly of the value of his due pension, in case the Health**

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(1) Decree No.(77) for 1981 was issued by the president of the Republic on 27. 1.1981 stating some facilities for the pensioners.

**Insurance General Authority decides that he is in need of the permanent assistance of another person to perform his daily activities .(Article 103bis)(1)**

**Payment of this aid shall be suspended , in case of his joining a work, or the removal of the situation, in accordance with the decision of the aforementioned authority, or his death (2).**

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(1) The Article (103) repeated was added by the Law No. (93) for 1980, and applied from 4.5.1980.

(2) Decree No. 159 for 1980, was issued by the Minister of Insurance, and published in the official Gazette- Issue No. 211 on 14.9.1980 regarding bases and procedures for payment of disability aid.



## **Chapter 9**

### **GENERAL PROVISIONS**

- 9.1 Exemption from Taxes and Duties**
- 9.2 Benefits Documents, and Application Dates**
- 9.3 Guarantees of Contribution Collection**
- 9.4 Obligation of The Public Treasury**
- 9.5 Various Provisions**

## **9.1**

### ***Exemption From Taxes And Duties***

**1- The amount of contributions due pursuant to the provisions of the present law shall be exempted from all taxes and duties whatsoever <sup>(1)</sup>:**

**Forms and documents, as well as cards, contracts, receipts, certificates, printed matter, and all correspondence to be required for the implementation of the present law shall be exempted from the fiscal stamp. (Article 134)**

**2- Fixed and movable assets of the competent authority, and all its investment operations whatever their kinds shall be exempted from all taxes, duties, and other fees to be imposed by the Government, or any other public authority in the Republic .**

**Operations undertaken by the competent authority shall be exempted from coming under the provisions of laws governing supervision and control on Insurance Authorities.**

**Dealings by the competent Authority in exchange stocks with those dealing with it, in such stocks, shall be subject to all the provisions concerning the imposition of fiscal stamps on dealings taking place between individuals. (Article 135)**

**3- Pensions and what is added to them of subsidies, increases, indemnities, compensations, additional remuneration, bonuses, and capitals of exchange which are payable according to the provisions of this law, shall be exempted from being subject to taxes and all kinds of duties.**

**This exemption shall be applicable on the consolidated amounts referred to in the previous paragraph on their payment to the legal heirs.**

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<sup>(1)</sup> This exemption shall be exempted for the contribution stipulated upon in Article (9) of Article (17).

**Succession duty and title deed charges shall not apply to the wages due for working days of the worker during the month the decease takes place.(Article 136)**

**4- Shall be exempted from court fees of all litigation degrees, the cases to be brought by the competent authority or the insured persons, or beneficiaries pursuant to the provisions of the present law. Cases in this respect shall be considered urgently by the court , and the court, in all cases is entitled to issue a sentence comprising provisional execution and without bail. (Article 137)**

## **9.2**

### ***Benefits Documents, And Application Dates***

**1- Entitlements prescribed pursuant to the present Law shall be calculated on the basis of data and documents included in the file provided for in item (1) of Article (151) without referring to the service file. (Article 138)**

**2- The Minister of Insurance at the proposal of the competent board of directors shall issue a decree determining the conditions and situations, as well as the documents necessary for the settlement and payment of the entitlements stipulated upon in the present Law, without being restricted to the provisions of the statutes on order of Sharia Courts, and the law on custody for property (1).(Article 139)**

**3- The application for payment of pension, or indemnity, or any due amounts according to the**

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(1) Decree No. 214 for the year 1977 issued by the Minister of Insurance, amended by the Ministerial Decree No. 136 for the year 1978, published in the Official Gazette No. 222 issued on 27.9.1978.

provisions of the present Law, must be submitted in a date with a maximum five years of the date in which the reason of deserving is established, otherwise, the right to claim therewith shall expire. Claiming for any of the foregoing amounts, shall be considered inclusive a claim for the rest of due amounts.

The validity of the referred to appointment shall terminate (Expire) with respect to all beneficiaries, if one of them submitted an application in the fixed date.

If the application for payment is submitted after the expiry of the referred to appointment, the payment shall be confirmed to the pension only, and the payment shall be carried out as of the first of the month in which the application is submitted.

The Minister of Insurance is allowed to disregard the non submittal of the application in the referred to date, if reasons are established justifying that. In such a case, the full deserving shall be paid as from the due date.

Payment of the pension which shall not paid for a period of two years, shall be suspended, provided, it shall be repaid in full on submitting an application by the concerned person. (Article 140)

4- The competent authority shall take all means to ensure calculation of pensions or indemnities, and their payment with four weeks from the date the insured person or the beneficiaries submit an application therefore including all required documents.

The Minister of Insurance shall define by a decree, at the proposal of the board of the board of directors, the documents required from the insured person, the beneficiaries and the employer in each case <sup>(1)</sup>.

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(1) Decree No. 214 for the year 1977 was issued by the Minister of Insurance, amended by the Ministerial Decree No.36 for the year 1978, published in the Official Gazette- No. 323 for the year 1987 on 27.9.1978.

If the payment of amounts due is delayed beyond the dates prescribed therefore the competent authority shall be bound - at the request of the person concerned - to pay such amounts in addition to 1% of the value of these amounts for each month payment is delayed beyond the prescribed date, and within a maximum not exceeding the amount of the original entitlements, from the date the insured person or the beneficiaries fulfil documents required. (Article 141)

The competent authority shall claim from the party causing the delay of paying the additional amounts referred to and which it is bound to pay, unless such party proves to the board that the delay is due to an error of easement.

Additional amounts referred to shall not be due for payment, in cases of litigations, except from the date the action is brought before the court. Nor shall such amounts be due for payment, in the cases where the present law stipulated upon readjusting the entitlements of the pensioners and beneficiaries, who were subject to the laws substituted by the present law, and according to its provisions.

5- Without prejudice to the provisions of the two Articles (56) and (59), no court action may be brought for modifying the entitlements provided for under the present law, following the lapse of two years from the date of the notification for assessment of the pension definitely, or the date of payment in respect of the rest of entitlements, except for the cases where it is applied for an increase- adjustment of these entitlements as a result of a settlement having taken place on the basis of a law, or a final court sentence, and also material mistakes in accounting during the adjustment.

The competent authority may not contest the amount of entitlements referred to in the previous

paragraph, in case of issuing administrative decisions or adjustments following the date of quitting the service, in respect of workers referred to in item (a) of article (2) resulting in a reduction of wages or periods taken as basis for estimating the value of such entitlements.  
(Article 142)

### **9.3**

#### ***Guarantees Of Contribution Collection***

1- The amounts due to the competent authority pursuant to the present law shall enjoy priority on all funds of the debtor, both movable and immovable. They shall be paid immediately after retaining the court expense. The competent authority shall have the right of collecting these amounts through administrative distraint channels. It may accept the installment of amounts due by the employer as per the conditions and situations whereby a decree is to be issued by the Minister of Insurance <sup>(1)</sup>. (Article 143)

2- Seizure or assignment of entitlements of the insured person or the pensioner, or the beneficiaries with the competent authority is not allowed.

In exception of the provision of the previous paragraph, it is allowed to restrain or to assign the entitlements referred to for the payment of the following entitlement: (Article 144)

1) Alimony debts.

2) What was accumulated for the competent authority of amounts of debt on the concerned person.

Paying due regard to the provisions of the Law No. 62 for the year 1976 concerning the modification of the provisions of certain alimony debts, distraint shall be effected

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(\*) Decree No. 287 for the year 1976 issued by the Minister of Insurance in respect of the conditions and situations for installment of the amounts due for the competent authority on the work, published in the official Gazette- No. 262 on 15.11.1976.

for payment of the amounts referred to in the previous two items within a limit not exceeding a quarter thereof. Where debts are multiple, the alimony debt shall first be deducted within the limit of the part allowed for distraint after deducting one eighth for paying the debt due for the competent authority.

3) Installments of loans for Social Naser Bank.

4) The due installments for the competent authority.

**The competent authority shall have the right to lay a seizure on amounts to which the insured person, or the pensioner might have become entitled to before his death, out of the beneficiaries entitlements, within one fourth of such entitlements, to be divided among them in the proportion of shares payable to them.**

**The competent authority may accept the installment of amounts due to it by the insured person or the pensioner, according to schedule (6) attached. The deduction of installments shall be discontinued in case of death, or entitlement to pension, if the service is terminated by reason of disability.**

**The competent authority may accept to collect amounts due to it from the insured persons or pensioners, through commutation according to schedule No. (7), with exemption from medical examination and without being restricted by the provisions of paragraphs (2), (3) and (4) of Article (123). The commutation installments shall be collected as from the first wage or pension of the month following the acceptance of the application for commutation.**

**Payment of installments due on the insured person shall be suspended, in all cases for which he is not entitled to a wage or an indemnity for wage, including commutation installments. The payment shall be resumed immediately upon wage entitlement. The installment period shall be increased to a period equal to that during which installments payment was suspended.**

**In case of paying a lump sum disbursement, with the non deserving of a pension, the present value of the**

due premiums on the insured person shall be deducted from the indemnity and compensation.

The competent authority may accept to receive by installments over a period of five years, the amounts owing to it by the beneficiaries.

The competent authority is also entitled to lay seizure on the wage of the insured person for payment of total amounts of contributions and the total amounts due for it, while paying due regard to the limits and rules stipulated upon in paragraph (2).

3- A private sector employer shall post up at the work places the certificate testifying the payment of his contributions to the authority, and a decree shall be issued by the Minister of Insurance for determining the particulars of such certificate <sup>(1)</sup> .

The competent authority shall provide the employers with such certificates against payment of 100 Millimes for each certificate or official extract.

The competent authority is also held responsible for giving the insured person the card testifying his contribution to the authority.

The government departments, general authorities, and the economic units in the public sector should suspend their dealing with the employers or the insured persons until they submit the certificates or cards testifying their contribution to the authority. The Minister of Insurance, in agreement with the competent Minister shall issue the rules and measures in connection with applying this provision. (Article 145)

4- The establishment whoever runs it, shall guarantee the entitlements of the competent authority. The successors shall be responsible jointly with the predecessor employer for the settlement of all obligations due by them to the competent authority.

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(1) decree No. 288 for the year 1976 was issued by the Minister of Insurance, and published in the official Gazette- No.362 on 15.11.1976.



However, in case any of the establishment's elements is disposed to a third party by sale or amalgamation or through a will, or heritage, or assignment, or through any other procedures, the responsibility of the successor shall be confined to the value of what has devolved to him.(Article 146)

#### **9.4**

#### ***Obligation Of The Public Treasury***

1- If the proceeds of investing the money of each of the two funds in any year is less than 4.5% the public treasury shall be bound to pay the differences in the investment returns, within one month from the date the General Stage Budget is approved for the year following the approval of the competent authority's closing accounts. (Article 147)

2- Entitlements to be determined pursuant to the provisions of the present law shall be the only entitlements the fund is bound to pay . If the insured person or the pensioner or the beneficiaries of either of them are entitled to additional rights in application of special laws or decisions, the competent authority shall pay such additional rights, provided that the public treasury shall be bound to pay such increase in accordance with such rules as will be determined by the Minister of Insurance in agreement with the Minister of Finance.

The provision of the previous paragraph shall apply to amounts falling due to the competent authority in excess of the rights prescribed by laws stipulated upon in Article (2) of the promulgating law, and which have not been paid to it until the present law comes into force. (Article 148)

**3- The public treasury shall be bound to pay the capital amount of entitlements of insured persons who were subject to the Insurance and Pensions laws referred to in Article (2) of the promulgating law, with the exception of those who are subject to law No. 50 for 1963 promulgating the Insurance and Pensions law for the civil servants, workers and personnel of the state, and insured foreigners who were working for an administrative department of the state, or Public authorities, or general organizations, with regard to their service period prior to the date the present law comes into force <sup>(1)</sup>.**

**The amounts referred to in the previous paragraph shall be payable pursuant to the provisions stipulated upon in Article (39) . (Article 149)**

## **9.5**

### ***Various Provisions***

**1- The competent authority shall be bound to pay all its obligations as prescribed for it in full, in respect of the insured persons, and the beneficiaries, even though the employer has not contributed on his behalf with competent authority. The entitlements shall be estimated according to the provisions stipulated upon in the present law.**

**If the competent authority has not ascertained the correctness of the details regarding the period of contribution to the insurance or the wage, the pension or the indemnity shall be assessed on the basis of the period of service, and the wage not subject to litigation.**

**The pension, or the indemnity shall be payable on the basis statutory minimum wage prescribed, in case the amount of the wage is not ascertained.**

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**(1) The date of coming into force for the law No. 79 for the year 1975 is 1.9.1975.**

**The competent authority shall have the right to claim from the employer all contributions prescribed in this law, and the additional amount <sup>(1)</sup>, as well as the amounts stipulated upon in Article (130) due payment by it. (Article 150)**

**2- The Minister of Insurance, at the proposal of the competent authority, shall issue a decree including the following <sup>(2)</sup>:**

**1) An indication of registers and books the employer should keep, as well as the files he should open for each insured person, and the documents to be deposited therein .**

**2) Details and forms the employer is bound to present to the competent authority concerning the workers, their wages, and their contributions, and the dates at which such details and forms shall be submitted.**

**The employer shall be bound to provide the Authority with a statement of his worker's names whose service is terminated by reason of attaining the age of retirement, three months at Least before the termination of service.**

**For each month the employer in private sector delays to advise the competent authority of the termination of service of the insured person, he shall be under the obligation to pay an extra amount at the rate of 20% of the amount of contribution due in respect of the basic wage of the last month of the period of contribution of the insured person according to the terms and rules for which shall be issued a decree by the Minister of Insurance. (Article 151)**

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(1) For enforcing the provision of Article (6) of the law 47/1984 the phrase "yield of investment" is substituted by the phrase "the additional amount"- 47/1984.

(2) Decree No. 208 for the year 1977 was issued by the Minister of Insurance, and published in the official in the Official Gazette-Edition No. 54 on 5.3.1978.

**3- Whoever shall be delegated by the authority from amongst its personnel shall have the right of access to the places or work during normal working hours to make the necessary inquiries, and to sight the register, books, papers, correspondences, files and documents pertaining to the execution of this law . The Minister of Justice shall, in agreement with the Minister of Insurance determine the personnel of the authority who shall have the capacity of judicial police in applying the requirements of this Law.**

**The Governmental and administrative departments shall provide the competent authority with all details it requires, in the scope of the application of the present law provisions.**

**Any one who is in charge of carrying out works of a contractor, is held responsible for notifying the Authority with the name of such contractor, his address, and his information about the operation three days at least before starting work. Such person in charge of the works shall be jointly responsible with the contractor for fulfilling the obligations prescribed pursuant to the provisions of the present Law, in case he did not carry out the notification. (Article 152)**

**4- Those entrusted with concluding marriage contracts, and civil Registry offices, shall each within his power notify the competent Authority of marriage cases taking place between persons entitled to pension, and of death cases among those receiving pensions from the Authority. Notification, in both cases, should take place immediately. The notification shall include the name of the person receiving the pension, that of his pension beneficiaries, place where pension is paid and he used to receive it, and the number of the pension assessment. (Article 153)**

**5- Units of the administrative machinery of the state, organization, bodies, societies, companies, and employers who employ in their service a pensioner, or a**

pension beneficiary, who receives pensions pursuant to the provisions of the present Law, shall notify the competent Authority of the name of person they employ from among those herein mentioned, the date he joined their service, his wage, and the department paying his pension, and the code number of his pension assessment, within one month from the date he enters their employment.

The pensioner, or pension beneficiary, or the person in whose name the pension is paid, should notify the competent Authority of each change in the method of entitlement that leads to cutting the pension, or suspending, or reducing it, within one month at the most from the date of the change. (Article 154)

6- Without prejudice to causes of breaking prescription specified in the civil Law, a prescription period shall also be broken on instructing the employer to pay the due amounts to the competent Authority, under the present Law, by means of a registered letter with acknowledgement of receipt comprising a statement of these amounts.

Prescription shall not apply vis-à-vis the competent authority in respect of the employer who has not yet already contributed to the insurance on behalf of all or some of his workers, except as from the date the authority learns of their being engaged by the employer. (Article 155)

7- The rights of the competent authority shall in any case be forfeited towards the employers, the insured persons, pensioners, and beneficiaries with the lapse of 15 years from the date such rights full due. (Article 156)

8- Committees shall be formed at the competent Authority for examining the litigations arising from the application of the present Law provisions. They shall be formed, and the procedures of its tasks, and the remuneration of its members shall be determined by a

**decree of the competent Minister <sup>(1)</sup>.**

**Employers, insured persons, pensioners, and their beneficiaries, and other beneficiaries, shall- before resorting to the court, submit an application to the competent Authority to bring the litigation before the aforementioned committees for settlement of the litigation in a friendly manner.**

**Without prejudice to the provisions of Article 128, no action may be brought before the lapse of 60 days from the date the said application is submitted. (Article 157)**

**9- The employer, at the instructions of the competent Authority shall deduct from the wage of the insured person- within distrainable or assignable limits- the amount having been paid to him without his being entitled thereto, and remit it to the competent Authority monthly, and within the dates set for paying the contribution. (Article 158)**

**10- Draft Laws on Social Insurance , as prepared by the Government, shall be brought before the Ministry of Insurance.**

**Also, the Minister of Insurance, and no other, shall be concerned with asking the opinion of the state council, in connection with the application of the provisions of the social insurance Laws.(Article 159)<sup>(2)</sup>**

**11- The Minister of Insurance, after consulting the board of directors, shall determine the system, dates and methods of paying them <sup>(3)</sup>.**

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(1) Decree No. 360 for the year 1976 was issued by the Minister of Insurance, and published in the official Gazette- No. (8) on 9.1.1977 and amended by Decree No. (20) for the year 1979, published in the official Gazette- No (59) on 12.3.1979.

(2) Second Para of article 159 is amended as per Law No. 107/1987.

(3) Decree No. 16 for the year 1977 issued by the Minister, and published in the official Gazette- No 26 on 10.2.1977, and amended by the Decree No. 150 for the year 1977, and the Decree No. 115 for the year 1980, and the decree No. 135 for the year 1980.

**Commercial Banks, the Nasser Social Bank, and Postal Authority shall be bound to pay the pensions reverted to them by the competent Authority.**

**The Minister of Insurance may charge the employer with the initial settlement, and payment of the pensions, and other entitlements stipulated upon in the present Law, and integral Laws .**

**- Taking into account the provision of paragraph six of Article (123), a fee shall be imposed by a decree of the Minister of Insurance, to be born by the pensioner or beneficiary, with a maximum limit amount of 50 piasters, in return of paying any of the due amounts pursuant to the provisions of the Social Insurance Laws, and their complementary Laws, and in case of the existence of the one who is in charge of payment for more than one beneficiary; the fee which they are charged with, shall not be more than the referred to maximum limit. The issued decree in such concern shall determine the cases exempted from paying this fee.**

**- The referred to fee shall be carried forward to a special account at the bodies provided for in Article Three of the promulgating Law, or Article (6) according to cases; and it shall be allocated for the account of the personnel in charge of executing the Social Insurance Laws. The Minister- to whom the body- in which the fee is carried forward- is subject- shall issue a decree determining the aspects and rules of payment therefrom; such decree may include extending the services which it determines to the pensioners of the referred to personnel.**

**An exception of the provision of the last paragraph, 75% of the referred to fee without exceeding 20 piastres for each case, shall be paid to the banks Nasser Social Bank, and the Postal Authority; if payment is effected through them. Half the value of this percentage shall be paid to the personnel in charge of paying pensions in such bodies.(Article 160)**

**12- The fraction of a piastre shall be considered one piastre in all the deserving determined by the present Law, and in all what shall be added to them of increases, subsidies, and all what shall be deducted from them, and in the total of all the amounts which the employer is bound to pay.**

**On payment of any of the deserving determined by the present Law, the pensioner or beneficiary shall not be paid the fractions of five piastre, and the proceeds of these fractions shall be carried forward to the account provided for, in Article (160). (Article 160bis)**

**The provisions of Law No. (10) for 1975 in respect of promotions and rules of employment recession shall apply to workers of the Social Insurance public Authority as of the date of its coming into force. (Article 177)**

**Problem:**

**1. What do we mean by the additional compensations?**

**2. Determine the cases and conditions of entitlement the additional lump sum indemnity in case of the insured person death or disability.**