
Solidarity in farmers' social insurance

Farmers and their spouses cooperating with them, as well as those household members covered by farmers' social insurance constitute a homogeneous risk community. All these persons share a common feature, *i.e.*, work on an agricultural holding, exposing them to similar random events (risks). This homogeneity is not affected by the fact that the farmers' social insurance covers also farmer entrepreneurs and farmers who simultaneously perform work under civil law contracts or have been appointed to supervisory boards, but it is undermined by the possibility of agricultural pension insurance cover, at their request, for farmers who have ceased agricultural activity or work in an agricultural holding on the basis of the right to social benefits, listed in the Act, in respect of the care of a disabled person.

Agricultural insurance covers almost the same types of risks as those covered by general insurance, however, due to the specific nature of the agricultural activity and the situation of those who perform it, the shape and scope of protection is sometimes significantly different (the study highlights these differences).

Agricultural insurance contributions are personal ones, determined in the same amount (accident and sickness insurance) or as a percentage (pension insurance), independent of the income earned on the agricultural holding. There is no relationship between the rate of the contribution paid and the amount of the benefit received under the discussed system.

Taking into account the participation of the insured persons within the risk community and their share in financing the benefits, it should be noted that the agricultural accident and sickness insurance, in its current form, is based on group solidarity due to its self-financing nature, while the pension insurance embodies the idea of nationwide solidarity, since a significant part of expenditure in this insurance is covered by the state budget. There are various reasons for adopted regulation (these being indicated in the study).

As a result of widespread criticism of the current level of state budget subsidies to the agricultural insurance system, proposals for solutions aimed at their reduction are put forward in the doctrine (which are discussed in more detail in the study). Hence, the discussion is needed on the scale of subsidies and their targeting, taking into account the objective conditions of Polish agriculture and the social situation of those conducting agricultural activity.

Key words: contribution, farmer, financing, risk community, solidarity

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Introduction

The function of social insurance is to protect persons affected by the consequences of certain random events (risks). The basic principle (idea) of social insurance is the social solidarity principle, which assumes that the burden of benefits is distributed among a wider group of persons covered by its scope, who are similarly exposed to a given random event (the risk community). Hence the notion is that of joint participation and the sharing of the costs of the protection system in the event of any specific social risk.¹

In general terms, there is no symmetry between the contribution and the realised benefit in the risk community. It finds its expression in the fact that all insured persons, although to an uneven degree, participate in the creation of the fund from which the benefits are financed, but benefits are acquired only by those insured persons in relation to whom the social risk has materialised.² There is also no strict correlation (equivalence) between contributions and benefits in social insurance. The principle of benefits proportionality to the insured persons' input in the form of a contribution is not absolute and is adjusted by the principle of social justice in favour of lower income earners.

If the fund used to cover the benefits comes only from payments from the insured persons, we are dealing with the concept of group solidarity. However, if state budget subsidies have a significant share in its creation, we are dealing with nationwide solidarity,³ *i.e.*, solidarity of the taxpayer community towards beneficiaries.⁴

This study on solidarity in farmers' social insurance will be devoted to an analysis of such issues as types of risks, the scope of the risk community, the contribution rate, the rules for benefits assessment and the financing methods. In the final remarks I will present proposed reforms of the social insurance system aimed at reducing state budget subsidies to the system and to strengthen the solidarity of insured farmers.

Risks in agricultural insurance

Risk is generally understood as a threat of a future event, which is uncertain, independent of human will and unfavourable to humans.⁵ As a result of subsequent amendments to the laws governing farmers' social insurance, the insurance covers almost the same types of

1 See K. Ślęzak, *Aksjologiczne podstawy prawa ubezpieczeń społecznych ze szczególnym uwzględnieniem solidarności i sprawiedliwości* [in:] *Aksjologiczne podstawy prawa pracy i ubezpieczeń społecznych*, ed. M. Skąpski, K. Ślęzak, Poznań 2014, p. 252.

2 J. Jończyk, *Prawo zabezpieczenia społecznego*, Zakamycze 2006, p. 38 *et seq.*

3 See B. Wierzbowski, *Ubezpieczenie społeczne rolników wyrazem solidaryzmu społecznego*, "Ubezpieczenia w Rolnictwie" 2000, No. 4, p. 105.

4 K. Ślęzak, *Zasada solidarności w społecznym ubezpieczeniu emerytalnym* [in:] *Z zagadnień prawa pracy i ubezpieczeń społecznych. Księga jubileuszowa Profesora Herberta Szurgacza*, Warszawa 2011, p. 549.

5 J. Jończyk, *Prawo...*, *op. cit.*, p. 12.

risks as those covered by the general insurance, although their shape, and thus the scope of protection, differs, sometimes significantly, from those protected under general insurance.⁶ The differences are justified mainly by the specific nature of agricultural activity and the situation of persons performing this activity. However, as noted in the doctrine,⁷ it is not individual risks that are the direct starting point for the construction of legal and organisational solutions in the discussed system, but the benefits due to insured farmers, which is reflected in the breakdown of this insurance into accident, sickness and maternity insurance (lump-sum and short-term benefits) and old-age and disability pension insurance (long-term benefits and funeral grant); family benefits currently constitute a separate type of benefit. In the opinion of Błażej Wierzbowski, if the benefits were directly grouped by type of risk, then *e.g.*, benefits in respect of an accident at work in agriculture and agricultural occupational diseases would, as in other systems, be formed in a more favourable way than benefits in respect of an incapacity for work on the agricultural holding for general reasons.

Generally speaking, farmers' social insurance provides protection against sickness, maternity, permanent or long-term incapacity for work on the agricultural holding, agricultural accidents at work and occupational diseases, reaching the retirement age and the loss of the breadwinner. As already mentioned, the scope of protection of individual risks, and thus the scope of the benefits granted, differs from the general system. And so, mentioning only the basic differences, incapacity for work in the agricultural holding due to sickness is subject to protection only if the incapacity lasts continuously for more than 30 days (this also applies to incapacity of an accidental nature); the long-term incapacity for work (over 182 days) still entitles the insured party to sickness allowance, and not to a separate rehabilitation benefit; the disability pension is payable only because of total incapacity for work of a permanent or long-term nature on a specific agricultural holding; although the retirement age entitlement to an agricultural old-age pension is the same as in the general system (60 years for women and 65 for men), however, from 1 January 2018, the possibility of early retirement has been eliminated; the incapacity for work due to an accident during agricultural work and agricultural occupational disease does not entitle one to more favourable benefits. Also the definition of an accident at work quite significantly differs from the definition of an employee accident at work, as it also covers injuries sustained while working in the household, as well as accidents “on the way” to work itself. This is due to the fact that on a family farm there is a close bond between the farm, understood as an economic organism, and the household, serving to satisfy the living and personal needs of the farmer and his/her family, and sometimes it is not possible to separate (without exposing oneself to the charge of artificiality) operations conducted within the professional sphere from activities in the farmer's personal sphere.⁸

6 Currently, these issues are governed by the Act of 20 December 1990 on social insurance for farmers (Journal of Laws of 2017, item 2336, as amended).

7 See B. Wierzbowski, *Ubezpieczenia w rolnictwie – teraźniejszość i przyszłość*, “Ubezpieczenia w Rolnictwie” 2001, No. 3, p. 51.

8 This is emphasised by B. Wierzbowski, *Specyfika rolnictwa jako przyczyna wyodrębnienia organizacyjnego ubezpieczenia społecznego rolników*, “Ubezpieczenia w Rolnictwie” 2016, No. 60, p. 67.

Separate remarks relate to the risk of maternity and care for a small child. The maternity allowance, earlier included in the benefits from accident, sickness and maternity insurance, from 1 January 2016 has been “transferred” to the pension insurance benefits, changing its form (see Art. 35a-36b), and above all the method for its financing (see Art. 18 in conjunction with Art. 78[1][1] and Art. 78[2][2a]-[3]).⁹ This benefit is presently financed from the pension fund, supplied with the resources of the contribution fund in the form of a deduction to the amount of 40% of the cost of these benefits, while the remaining expenses in this respect will be supplemented by a state budget subsidy.

Risk community

One of the characteristic features of social insurance is the homogeneous risk community; reflected in covering by the social insurance persons exposed to similar random events and other events equivalent to them, as well as to resulting situations based on the performance of professional activity providing a regular means of subsistence.¹⁰ In agricultural insurance, this community is composed of farmers, their spouses and household members. All these persons share a common feature, *i.e.*, their work on the agricultural holding, exposing them to similar random events (risks).

According to Art. 6(1) of the Act, a farmer means any natural adult person, residing in the territory of the Republic of Poland (it also refers to a situation when a farmer is a national of an EU Member State) and conducting in this territory, personally and on his/her own account, agricultural activity (within the meaning of Art. 6[3]) on the agricultural holding that remains in his/her possession (including one within a group [collective] of agricultural producers), as well as the person who has allocated the land of his/her farm for afforestation. Agricultural insurance also covers the special agricultural production branch within the meaning of the Act.

The conjunction of the prerequisites for residence and conducting personally agricultural activity indicates that this activity is carried out in the country on a permanent basis. The case-law emphasises that the necessary prerequisite for recognising that farmers are covered by social insurance is the actual conduct of agricultural activity with the mere possession of an agricultural holding alone being insufficient.¹¹ The analysis of

⁹ These changes were introduced by the Act of 24 July 2015 on the amendment of the Act on family benefits and certain other Acts (Journal of Laws of 2015, item 1217). Nevertheless, the Act did not change the name of this insurance branch, which should be considered improper. That is why I use in this study the term “accident and sickness insurance,” disregarding maternity insurance. Critical opinion on this regulation, see D. Puślecki, *Nowa konstrukcja zasiłku macierzyńskiego z ubezpieczenia społecznego rolników*, “Ubezpieczenia w Rolnictwie” 2015, No. 55–56, pp. 93–94, 100.

¹⁰ See R. Babińska-Górecka, K. Stopka, *Stare dogmaty i nowe wyzwania w prawie ubezpieczeń społecznych* [in:] *Stare dogmaty i nowe wyzwania w prawie i ekonomii*, ed. U. Kalina-Prasznic, Warszawa 2013, p. 200.

¹¹ See the judgement of the Administrative Court in Tarnów of 3 July 2013, IV U 1374/12, LEX No. 1716074 and the judgement of the same court of 24 April 2013, IV U 62/13, LEX No. 1716167.

the case-law also shows that for running a farm it is usually necessary to perform physical work on this farm, although this requirement may sometimes be limited to undertaking managerial and managing activities.¹² In this context, some doubts are raised by the covering through agricultural insurance of persons who have allocated the land of their farm for afforestation. These doubts result from the fact that, although such a person is still formally recognised as a farmer (Art. 6[1]), forestry has been excluded from agricultural activities (see Art. 6[3]), which is understandable since this person, having no agricultural holding, does not have the conditions to carry out such an activity. It should be noted, however, that this person may be insured only on request and only, as it seems, in the field of accident and sickness insurance.

In accordance with Art. 5 of the Act, regulations on insurance and benefits to which the farmer is entitled also apply to his/her spouse, unless she/he does not work on the farmer's holding or in a household directly related to the agricultural holding. The content of this provision shows that work in each of these holdings is a title to cover the farmer's spouse with agricultural insurance, which reflects the recognition of the fact that in small family farming operations, as already mentioned, it is not possible to precisely separate the activities closely related to work on an agricultural holding from those activities carried out in the household directly linked to that holding. The mere fact of being a farmer's spouse is not, however, equivalent to conducting agricultural activity and only a spouse who contributes to the agricultural holding's proper functioning may be considered to be working on it, *i.e.*, performs such activities on that holding that enable for its proper functioning.¹³

Pursuant to Art. 1(1) of the Act, farmers' social insurance also covers household members working with the farmer, *i.e.*, persons close to the farmer, residing with him/her in a common household or living on his/her agricultural holding or in its close vicinity and working permanently in this holding, without being bound by an employment relationship with the farmer (Art. 6[2]). The household member is not a farm owner and does not conduct professional agricultural activity on his/her own account, but only helps the farmer in carrying out such activity, *i.e.*, performs the work indicated by the farmer running the farm within the scope of his/her business decisions.¹⁴ The work performed by the household member on the agricultural holding must be of a permanent nature, but it is not required to be his/her main source of subsistence. However, a person employed outside agriculture on a full-time basis is not a household member within the meaning of the Act, even if he/she lives on his/her parents' farm and helps

¹² See M. Orlewski, Ł. Słotwiński, *Zakres podmiotowy ubezpieczenia społecznego rolników*, "Rejent" 2005, No. 2, p. 153–154 and the rulings mentioned therein.

¹³ See the judgement of the Administrative Court in Tarnów of 24 April 2013, quoted in footnote 11 and other judgements referred to in its justification, as well as the judgement of the Administrative Court in Białystok of 18 May 1995, III AUa 126/95, OSA 1995/6/52.

¹⁴ See the judgement of the Administrative Court in Łódź of 17 January 2014, III AUa 517/1, LEX No. 1428151 and the judgement of the Voivodeship Administrative Court in Warsaw of 20 August 2014, VIII SA/Wa 183/14, LEX No. 1508622.

them run this farm.¹⁵ Hence, the notion of permanent work exists only when assistance for the farmer is provided to an extent significant for the functioning of the agricultural holding. Therefore, minor operations systematically carried out as a part of the division of duties in the family and other operations occasionally provided, do not constitute permanent work on the agricultural holding.¹⁶

The homogeneity of the risk community in agricultural insurance is not undermined by the fact that the insurance covers also farmer entrepreneurs, *i.e.*, farmers (household members) who are at the same time engaged in a non-agricultural business activity (Art. 5a). At present (after subsequent amendments to the regulations) this option applies only to those farmers who undertake such an activity to a limited extent, as assessed by the tax criterion, *i.e.*, income tax derived from this activity for the previous year may not exceed the relatively low amount set down in the Act (in 2018 it was PLN 3,376). Income from this activity is therefore only a supplement to the main source of income for the farmer and his/her family, *i.e.*, to income from agricultural activity itself. It should be stressed that the discussed regulation applies to persons who are genuinely engaged in agricultural activity. Before starting a business, such a person had to be fully covered by agricultural insurance for a continuous period of at least 3 years, and his/her further coverage by the agricultural insurance depends on the continuation of agricultural activity or (in the case of household members) permanent work on the agricultural holding.

However, the described regulation is sometimes criticised. It is believed that the fear of exceeding the established income tax limit hinders the development of business activity and generating a higher income from this activity, and thus, as a consequence, prevents anyone from leaving permanently agricultural activity.¹⁷ It is also proposed, *inter alia*, that the exceeded limit of tax on business operations should not result in the automatic cessation of agricultural insurance and the subsequent covering by general insurance, but in the imposition of an increased, additional contribution to the agricultural pension fund.¹⁸ Another suggestion is to move away from quota restrictions and allow only such activities that are associated with the processing of one's own products, agritourism (agrotourism), rural services, *etc.*¹⁹

For similar reasons, the principle of homogeneity of the risk community is also not affected by allowing (from 2015) the possibility for the farmer (household member) to retain agricultural insurance in a situation where he/she simultaneously undertakes work on the basis of a mandate contract, agency contract or other contract for the provision of services, governed by the provisions on commissioning, or in the event of being appointed to a supervisory board (Art. 5b). However, further coverage by the agricultural

¹⁵ See the judgement of the Supreme Court of 21 April 1998, II UKN 3/98, LEX No. 1427356.

¹⁶ See the judgement of the Supreme Administrative Court of 19 February 2015, II OSK 1869/13, LEX No. 1771929.

¹⁷ See W. Jagła, *KRUS a funkcja wspierania rozwoju drobnej przedsiębiorczości*, "Ubezpieczenia w Rolnictwie" 2008, No. 36, pp. 62–63.

¹⁸ *Ibid.*, p. 63.

¹⁹ For instance M. Podstawka, *Uwagi do opracowania pt. Koncepcja reformy systemu emerytalno-rentowego rolników autorstwa dr. W. Kobielskiego*, "Ubezpieczenia w Rolnictwie" 2015, No. 54, p. 13.

insurance is possible under the condition that income from contracts should not exceed a monthly amount equal to the minimum wage. In the discussed case, the farmer is still subject to agricultural insurance, despite being covered by the general insurance under the aforementioned contracts, on the terms provided for in the Social Insurance System Act. Therefore, differently than in the case of conducting additional business activity, a farmer is here subject to “double” insurance (*i.e.*, in Kasa Rolniczego Ubezpieczenia Społecznego [KRUS] and Zakład Ubezpieczeń Społecznych [ZUS]), however, he/she may withdraw from agricultural insurance at any time. The discussed regulation allows the farmer to earn some extra money by performing civil law contracts or being appointed to the supervisory board without risking the loss (cessation) of agricultural insurance.

A different position should be, however, taken with regard to the recently introduced (as of 18 May 2018) solution allowing the so-called farmer's helpers to be covered by agricultural insurance (Art. 1[1] in conjunction with Art. 91[a]-[f]). Pursuant to Art. 6(2a) of the Act, a farmer's helper means an adult (a Polish citizen or a foreigner authorised to work in the territory of the Republic of Poland pursuant to Art. 87 of the Act on employment promotion and labour market institutions, or released from the obligation to have a work permit) with whom the farmer has concluded a harvest assistance contract, as referred to in Art. 91a of the Act. In accordance with the latter provision, the farmer's helper undertakes in such a contract to provide assistance for the harvest of agricultural products listed in this provision (chiefly vegetables and fruit), at a specified place on the farmer's holding and for a specified period, and the farmer undertakes to pay the agreed remuneration for the assistance provided. The total duration of any helper's work based on harvest assistance contracts (including contracts concluded with other farmers) may not exceed 180 days in a given calendar year.

Under the Act, the farmer's helper is subject (compulsorily) only to accident and sickness insurance, limited only to lump-sum accident compensation (Art. 7[1a]). The farmer's helper is registered for the purpose of the said insurance by the farmer, who pays for him/her the contribution due. The Act does not provide for the possibility of paying only one third of the contribution due to the limitation of the scope of benefits – as in other similar cases.

The purpose of the discussed regulation was to provide social protection to persons helping the farmer seasonally during harvests on an agricultural holding, because so far such work has been performed mostly within the realm of the so-called black economy or under specific-work contracts, which have not provided any social insurance protection. However, the inclusion of these persons in the farmers' risk community raises doubts (apart from other serious objections raised in relation to this regulation), because work on an agricultural holding is of an auxiliary and temporary nature, and the scope of social protection has been limited.

On the other hand, there are serious objections concerning the possibility of covering by pension insurance, upon request, persons who had been subject to agricultural insurance as a farmer or household member and then ceased their agricultural activity or work on an agricultural holding in connection with the acquisition of the right to a nursing benefit or a special care allowance or a carer's allowance, based on separate provisions

(Art. 16[2][4] of the Act). In this case, the insurance covers the period of receiving the said benefit or allowance until the completion of the 25-year period of pension insurance necessary to acquire the right to an agricultural pension. The above regulation allows on the basis of the aforementioned insurance for inactive farmers to be covered who are deliberately giving up agricultural activities due to the need for the personal care of a disabled adult. A similar regulation is also included in Art. 16c of the Act, which allows to cover with pension insurance, upon request, a farmer or a household member who is not subject to farmers' social insurance or a member of his/her family (who does not meet the conditions for being covered by this insurance) during the period of exercising personal care of a child for up to 3 years, though for not longer than until the child reaches 5 years of age, and in the case of a disabled child for up to 6 years, though for not longer than until the age of 18.

Similar solutions have also been adopted in general insurance, but they are critically assessed²⁰ as undermining the dogma of a homogeneous risk community, noting in particular that factors generating social risk for persons economically inactive without any fault of their own, who receive social benefits, are different than those affecting the working population. In the case of the latter, the social risk is determined by the threat of a reduction in or the loss of earning capacity, resulting in a reduction in or lack of earnings (income), while such a situation does not occur in the case of previously mentioned persons who cease their professional activity, but are entitled to specific social (family) benefits.

To conclude this theme, it should be emphasised that the homogeneity of the risk community in agricultural insurance is also ensured by the rule that the personal scope of this insurance covers only farmers who are not subject to the social insurance obligation under the Social Insurance System Act due to the simultaneous performance of work covered by such obligation under this Act (priority of the general system). This rule is not infringed by the earlier mentioned cases of farmer entrepreneurs and farmers performing work on the basis of civil law contracts, because these solutions achieve purposes favourable both for the system (these persons pay an increased contribution) and for the farmers themselves (development of a small business, additional promotion of farmers' professional activity), and this additional activity is of a limited size. It appears that the agricultural insurance system formed by the Act of 1990 provides insurance protection not to all farmers, but only to those for whom agricultural activity is a profession, being their only or basic occupation and exclusive or permanent (in the case of insurance upon request) source of income.

The homogeneity of the discussed system was also significantly strengthened by the adoption (from 2009) of the principle that a farmer born after 31 December 1948 may not have the periods of being subject to social insurance under the general system reckoned towards the periods of social insurance required to acquire the right to an agricultural old-age pension. This manifestation of the "sealing" of the system was also approved

²⁰ This is the opinion of R. Babińska-Górecka; K. Stopka, *op. cit.*, pp. 203–205.

by the Constitutional Tribunal, which considered in its judgement of 13 December 2007 (SK 37/06) that the distinctness of insurance systems is sufficient to justify restrictions on the incorporation of insurance periods from one system to another.

Contributions in agricultural insurance

Two separate contributions exist in the discussed system: to the contribution fund, which has legal personality and finances sickness allowances and accident benefits, and to the pension fund from which agricultural pensions and other benefits (*e.g.*, funeral allowance, maternity allowance) are paid. The contribution in agricultural insurance is of a personal nature, set in the same amount for each insured person (*i.e.*, the farmer, his/her spouse and household members), independent of the income earned on the agricultural holding. Only the rate of the pension insurance contribution partly depends on the area of the agricultural holding, calculated in conversion hectares, and thus indirectly on the potential productivity of this holding, which affects its income, as will be discussed below.

Contribution to the contribution fund is a variable contribution, determined on a quarterly basis in the plan of this fund by the Farmers' Council, in the amount ensuring its financial self-sufficiency. For many years, this contribution was paid at the rate of PLN 42 per month for each insured person, regardless of the size of the agricultural holding. In the event of a deficit in the contribution fund, a bank loan may be taken, whose repayment is taken into account when determining the amount of the described contribution during its repayment period. One-third of the contribution is paid for the person insured upon request – another farmer or household member or a person who has allocated land for afforestation, covered by a limited scope of benefits (only lump-sum accident compensation).

The amount of contributions for farmers' pension insurance is determined on the amount of the basic old-age pension, equivalent to the monthly amount of the lowest old-age pension in the general system.²¹ The basic monthly contribution for the pension insurance for each insured person equals 10% of the basic old-age pension. Farmers whose agricultural holdings cover an area of arable land above 50 conversion hectares pay, in addition to the basic contribution, an additional monthly contribution from 12% to 48% of the amount of the basic old-age pension, depending on the area of arable land, respectively, in the range from 50 to above 300 conversion hectares (Art. 17[4] of the Act). Currently, this contribution ranges from PLN 89 (for one insured person on an agricultural holding up to 50 ha) to PLN 514 (for one insured person on an agricultural holding over 300 ha). An additional contribution is not payable for household members

²¹ As of 1 January 2017, however, this amount has been “frozen” and equals PLN 882.56 plus indexation pursuant to the provisions of the Pension Act.

working in such agricultural holdings. It is estimated that an additional contribution to pension insurance is paid by a small percentage of farm owners (about 2%). This is due to the fact that almost 80% of farmers paying contributions to KRUS are holders of farms with an area of up to 10 conversion hectares, while about 60% of those paying contributions to this insurance are users of farms up to 6 conversion hectares.²²

It was noted in the doctrine that the adopted criterion for differentiating pension contributions is inadequate to the actual incomes of agricultural holdings. This is because the area of land does not reflect the actual economic potential of these holdings, as different yields can be obtained from a similar area, which is affected, *inter alia*, by the type of production, an individual farmer's skills, the technical equipment of the holding, *etc.*²³ It is believed that the principle of differentiating the contribution depending on agricultural income, calculated on the basis of farm accounts, would be a more effective solution, taking into account all factors determining the real efficiency and profitability of agricultural holdings.²⁴ In spite of these objections, one should share the opinion that this regulation has opened a new stage in social insurance for farmers aimed at making the contribution dependent on the profitability of the agricultural holding itself.²⁵

The contribution for the pension insurance for a farmer and a household member who is at the same time engaged in business activity under the rules provided for in Art. 5a of the Act, is twice the basic contribution. It should be added that the percentage of farmer entrepreneurs in the total number of persons insured in KRUS is small (in 2013 – 5.6%).²⁶

In general terms, pension insurance contributions cover about 10% of expenditure on pensions; the rest is supplemented by the state budget subsidy.²⁷ This means that even considering that some farmers pay an additional pension contribution, the share borne by farmers in covering pension expenditure is still small.

It should be also noted that the pension insurance contribution (only at the basic rate) for farmers (household members) subject to compulsory pension insurance or to the pension insurance upon request, who take personal care of a small child (Art. 16a-16c of the Act), is financed from the state budget subsidies to the pension fund allocated for these contributions, provided that such persons are not subject to other social insurance. And the contribution for pension insurance for farmers

22 See W. Jagła, *System rolniczy, jaki jest, jaki może być*, "Ubezpieczenia w Rolnictwie" 2010, No. 38, p. 98.

23 See T. Jedynak, *Funkcjonowanie systemu zabezpieczenia społecznego rolników*, "Ubezpieczenia w Rolnictwie" 2015, No. 54, p. 66.

24 This is the opinion of A. Szymecka-Wesołowska, *O potrzebie reformy systemu ubezpieczenia społecznego rolników – głos w dyskusji*, "Ubezpieczenia w Rolnictwie" 2008, No. 36, p. 100; similarly T. Jedynak, *Funkcjonowanie...*, *op. cit.*, p. 67.

25 This is the opinion of W. Jaskuła, *Ubezpieczenie społeczne rolników po nowelizacji*, "Ubezpieczenia w Rolnictwie" 2009, No. 37, pp. 126, 128.

26 See W. Jaskuła, *KRUS jednak nie dla każdego*, "Ubezpieczenia w Rolnictwie" 2014, No. 51–52, pp. 20–21.

27 It should be, however, noted that the quoted figures differ. Cf. H. Pławucka, *Obowiązek ubezpieczenia społecznego rolników* [in: *Obowiązek ubezpieczenia społecznego*, "Ubezpieczenia Społeczne. Teoria i praktyka" 2017, No. 3, p. 110, footnote 58.

or household members who have ceased their agricultural activity (or their work on an agricultural holding) in connection with the acquisition of the right to a nursing benefit, a special care allowance or carer's allowance and applied for as covered by this insurance (Art. 16[2][4] of the Act) is paid by the head of the local commune, mayor or city president who pays these benefits.

Benefits amount

The agricultural insurance system is characterised by the fact that the lump-sum, uniform contribution corresponds to the lump-sum benefits, which in principle are equal and low. This observation concerns both sickness and accident insurance benefits (*e.g.*, a sickness allowance of PLN 10 for each day of incapacity for work), and to a large extent also pension benefits, which are slightly higher than the lowest old-age pension covered by the general system. It is estimated that the average agricultural old-age pension is almost twice lower than the average employee old-age pension.²⁸ This is also the case with a farmer who pays an additional pension contribution as a result of holding a large area of arable land; as well as with farmer entrepreneurs paying a double contribution to this insurance; paying an increased contribution does not increase their pension. This means that the farmers concerned participate to a greater extent in financing the system, thus strengthening group solidarity and limiting the scope of nationwide solidarity. It is believed that without differentiating the contribution burden of system participants who are economically differentiated, it is not possible to better take account of the compensation function of the benefits granted.²⁹

As already mentioned, this system not only lacks any direct relationship between the level of contributions paid and the amount of income received from an agricultural holding, but also the relationship between the amount of benefits and the amount of contributions paid. Considering the above, the opinion was even expressed that the contribution in agricultural insurance is closer to the burden of a quasi-tax, compulsorily paid for the benefit of KRUS, than to a social insurance contribution as such, which is characterised by certain features, including reciprocity.³⁰ The lack of relationship between the amount of the contribution paid and the amount of the benefit received concerns, as has already been mentioned, both branches of agricultural insurance, including benefits from pension insurance. Although the amount of the so-called contributory part of the pension depends on the contributory period, but not on the contribution amount. The discussed part of the benefit is calculated using the adopted measure: 1% of

28 See T. Jedynak, *Funkcjonowanie...*, *op. cit.*, p. 68 (data for 2013).

29 See B. Wierzbowski, *Ubezpieczenie...*, *op. cit.*, p. 114.

30 This is the opinion of T. Bińczycka-Majewska, *Zabezpieczenie emerytalne rolników indywidualnych* [in:] *Ryzyko starości – problemy zabezpieczenia*, ed. U. Jackowiak, L. Abramowicz, Kraków 2007, p. 124.

the amount of the basic old-age pension for each year of insurance, *i.e.*, using the same parameter which forms the basis for assessing the contribution for pension insurance.³¹ However, its amount is relatively small, which results from the adopted legal construction assuming that the second part of the benefit, the so-called supplementary one, to be predominant. This part of the benefit equals 85-95% and depends on the number of years of insurance taken into account for determining the contributory part. If this number is less than 20, the supplementary part equals 95% of the basic pension, if it exceeds 20 years, it is reduced by 0.5% of the amount of the basic pension for each year above 20 years, whereas the supplementary part cannot be lower than 85% of the amount of the basic pension. The supplementary part completes the contributory part and the aggregated amount of both parts may not be lower than the amount of the basic old-age pension.

For the above reasons, a view was expressed (Wojciech Kobielski) that the contributory part of the pension is paid in full by farmers themselves, while the supplementary part is subsidised by the state. This approach is not precise³² because the rules for agricultural pensions assessment do not take into account the breakdown according to the financing source and are independent of the amount of contributions and the amount of state budget subsidies. The division into a contributory and supplementary part was introduced due to the later fate of the agricultural holding. A farmer who does not cease agricultural activity and does not dispose of the agricultural holding (by transferring it to his/her successor, sale or long-term lease) in connection with being awarded the pension, receives only the contributory part of the benefit, while the farmer who has ceased agricultural activity receives the full amount of the benefit (with some exceptions). Hence, the purpose of the discussed construction of pension benefits is still to execute non-insurance tasks.

Due to the lack of a relationship between the amount of contributions paid and the amount of the benefit received, it is believed that the insurance method does not apply in agricultural insurance, even in the case of accident and sickness insurance, where the cost of benefits is financed by the farmers themselves. Such a design of legal protection is closer to the ancillary (social protection) method.³³ This view should be generally accepted, the sole proviso being that the principle of reciprocity of contributions and benefits has never been fully understood and applied in social insurance. This is because the benefit paid to the insured person does not constitute the equivalent of the contributions paid by him/her, since the equivalence is not of an individual but of a collective nature, *i.e.*, the sum of the benefits paid out of the insurance fund is, as a rule, equal to the sum of

31 This percentage is increased proportionally for farmers who in the period of 1983–1990 paid contributions higher than 120% of the amount of the basic old-age pension.

32 As rightly raised by M. Podstawka, *op. cit.*, pp. 8–9.

33 This is the opinion of K. Antonów, *Uwagi o sposobach finansowania niektórych świadczeń z zabezpieczenia społecznego* [in:] *Aksjologiczne podstawy prawa pracy i ubezpieczeń społecznych*, ed. M. Skąpski, K. Ślebza, Poznań 2014, pp. 264–265, 270. See also (p. 266, footnote 19) the judgement of the Supreme Court of 3 December 2004, II UK 59/04, referred to by the author, in which the Court concluded that the agricultural old-age pension system is of a social protection nature.

the contributions paid by the insured persons (the risk community).³⁴ This is the case with benefits from agricultural accident and sickness insurance.

Financing of agricultural insurance

The Act differentiates the method of financing benefits depending on the type of risk covered by the insurance. By paying the contribution, farmers bear the full cost of expenses for sickness and accident insurance benefits. Thus, this insurance branch is based on the self-financing principle. Whereas, the benefits from the pension insurance are covered from farmers' contributions only to a small extent; the main source of revenues of the pension fund being a supplementary subsidy from the state budget (Art. 78[2][3] of the Act). Pursuant to Art. 76(3) of the Act, the State guarantees the payment of benefits financed from the pension fund. It should be added that, at present, the State budget (special purpose) subsidy to the pension fund also covers contributions to the pension insurance for farmers and household members (and their family members) who provide personal care for a child (Art. 78[2][51] of the Act) and contributions for farmers' health insurance (Art. 78[2][4]).

Therefore, it is believed³⁵ that the social insurance for farmers (especially pension insurance) in its present form cannot be qualified as an insurance form of social security. This is because the insurance model assumes that the resources to finance benefits come from income earned from gainful employment (gainful activity). However, if the full cost of social protection is borne by taxpayers (a manifestation of social solidarity), and the benefits perform a social function (similar to social welfare benefits), this type of social security should be associated with an auxiliary method of legal protection. In effect, we are dealing with a mixed (contributory-budgetary) technique of financing benefits in farmers' social insurance.³⁶

Taking into account the participation of the insured persons in the risk community and their contribution to its financing, it should be noted that, in its current form, accident and sickness insurance is based on group solidarity due to its self-financing nature, while the pension insurance implements the idea of nationwide (general social) solidarity, since a significant part of expenditure in this insurance is covered by the state budget. One should also share the opinion³⁷ that the fact that the first of the mentioned branches of agricultural insurance is financed only from contributions allows the pressure of insured persons to increase the level of benefits from this insurance to stop; it

³⁴ This is emphasized – in relation to pensions from the general system – by U. Kalina-Prasznica, *Neoliberalny dogmatyzm a reformy społecznego ubezpieczenia emerytalnego* [in:] *Stare dogmaty i nowe wyzwania w prawie i ekonomii*, ed. eadem, Warszawa 2013, p. 226.

³⁵ See K. Antonów, *op. cit.*, pp. 265–266.

³⁶ *Ibid.*, p. 264.

³⁷ As raised by B. Wierzbowski, *Ubezpieczenia...*, *op. cit.*, p. 51.

also rationalises the management of accumulated funds. However, this also has, in my opinion, negative effects, as too low benefits (these comments relate in particular to sickness allowance) do not fulfil their intended function.

The fact that the agricultural pension insurance is based mainly on the nationwide rather than group solidarity is justified by various reasons.

Firstly – attention is drawn to the still unfavourable relationship between active farmers who pay contributions and beneficiaries, *i.e.*, pensioners,³⁸ although since 2001 a downward trend both in the number of insured farmers and of beneficiaries has been observed. The decreasing number of farmers paying contributions mainly results from the structural changes in agriculture (change of profession and transition to another insurance system).³⁹ The relationship between contribution payers and beneficiaries is also changed due to farmers having the possibility of early retirement (by the end of 2017), the use of benefits (structural pensions) encouraging early cessation of agricultural activity, and the liberalisation of conditions for granting certain benefits, *e.g.*, by the adoption of a favourable definition of incapacity for work entitling one to a disability pension, or the possibility of incorporation within the old-age pension period (in relation to persons born before 31 December 1948) of periods of insurance (or other periods), not being periods of work in agriculture.

It is also pointed out that, from the very beginning (*i.e.*, from 1977), the agricultural insurance system was charged with the so-called old burden, *i.e.*, the obligation to pay benefits to farmers who have been paying contributions for a very short period or have not paid them at all.⁴⁰ The argument of so-called demographic compensation is also raised, *i.e.*, the need to take into account the fact that agricultural families incur (or have incurred) the costs of upbringing and educating the young generation, which then migrates to the city and undertakes gainful employment outside agriculture. In this situation, it seems justified to compensate these costs by co-financing social insurance benefits for a generation which has associated all its professional life with agriculture.⁴¹

Secondly – the small share of farmers in financing the pension benefits results from the adopted structure and amount of the pension insurance contribution. As mentioned above, the current contribution is still a personal contribution, parametrically linked to the amount of the basic pension and independent of the income received from the holding and, as a rule, of its economic potential. It is worth recalling that in previous laws (the Act of 1977), the contribution was assessed based on the estimated income from the farm or (the Act of 1982) the contribution amount was determined according

38 See W. Kobielski, *Czy system ubezpieczenia społecznego rolników wymaga zmian?*, “Ubezpieczenia w Rolnictwie” 2001, No. 3, p. 105; B. Wierzbowski, *Ubezpieczenie... op. cit.*, p. 109.

39 The data included in the so-called Green Paper: Zakład Ubezpieczeń Społecznych [Social Insurance Institution], *Przegląd systemu emerytalnego. Bezpieczeństwo dzięki odpowiedzialności. Zielona księga*, Warszawa 2016, show that the number of agricultural holdings dropped by 13.1% and the total number of persons covered by agricultural insurance dropped by 14% at the end of 2015, as compared to 2007.

40 See B. Wierzbowski, *Ubezpieczenie... op. cit.*, p. 108.

41 *Ibid.*, p. 110. Similarly W. Michna, *Ubezpieczenia społeczne rolników indywidualnych – w przeszłości i obecnie*, “Wieś i Państwo” 1993, No. 1(10), p. 87.

to the personal and area criterion, *i.e.*, for each insured person and for the relevant conversion hectares.

Due to the diversified income situation of agricultural families, the burden of contributions is relatively high for those running small farms and relatively low for larger ones, while (as is commonly noted in the subject literature) the state budget equally subsidises both poor and wealthier farmers. This violates the basic principle of social insurance, *i.e.*, solidarism, according to which, as has been already mentioned, insured persons with higher incomes bear the higher burden of insurance (through contributions) than those with lower incomes.⁴² In this context, it is proposed to subsidise a part of the contribution (subsidy for a farmer) and not the pension benefits.⁴³ Such a solution was adopted, for example, in the German system, where farmers with the lowest incomes may apply for subsidies to contributions, which supports economically active farmers, and preventing any excessive burdens.⁴⁴ Co-financing of the contribution could be associated with the requirement to meet certain conditions (*e.g.*, as regards agricultural holding modernisation), because the current model of co-financing benefits does not favour structural changes in agriculture.⁴⁵

Thirdly – apart from the social function (provision of means of subsistence in the event of risk materialisation), the agricultural insurance system has performed, from the very beginning, many other tasks. The aim was to improve the area structure of agricultural holdings, and even – at some time – to achieve an increase in agricultural production. This was achieved (see the Acts of 1977 and 1982) by making the right to an old-age or disability pension dependent on the transfer of an agricultural holding to a successor or to the State and by making the right to, as well as the amount of these benefits, dependent on the value of the agricultural production sold to the State. It seems that the broad application of the social solidarity principle was associated with the expected positive impact of the farmers' social insurance system on the agrarian structure.⁴⁶ Hence, the high state budget subsidy was also determined by the need for the agricultural insurance system to perform the agricultural policy tasks. Therefore, the lack of noticeable changes in this area is, *inter alia*, one of the reasons for criticising the adopted method of financing agricultural pension benefits.⁴⁷

Another function performed by the system, in particular in the first years of the political transformation, was to mitigate the effects of job loss by so-called peasant-workers who did not acquire the status of unemployed and the subsequent right to unemployment

42 See B. Wierzbowski, *Ubezpieczenie...*, *op. cit.*, p. 113.

43 For instance W. Kobielski, *op. cit.*, p. 105; B. Wierzbowski, *Ubezpieczenia...*, *op. cit.*, p. 53; differently L. Ostrowski, *Wybrane problemy kierunków reformy systemu ubezpieczeń społecznych rolników*, "Ubezpieczenia w Rolnictwie" 2001, No. 3, p. 97 and W. Jagła, *System...*, *op. cit.*, p. 115.

44 See B. Tryfan, *Ubezpieczenie społeczne rolników niemieckich*, "Ubezpieczenia w Rolnictwie" 2010, No. 38, pp. 139–140.

45 As emphasised by B. Wierzbowski, *Ubezpieczenia...*, *op. cit.*, p. 53.

46 As pointed out by B. Wierzbowski, *Ubezpieczenie...*, *op. cit.*, p. 114.

47 According to W. Jagła (*System...*, *op. cit.*, p. 99 *et seq.*) the functions of the discussed system as an instrument supporting the process of land concentration and shaping a rational agrarian structure in the countryside hardly exist.

benefit, if the area of the holding did not exceed 2 ha.⁴⁸ At present, this system, by covering farmers who are small entrepreneurs, also performs the function of supporting the development of entrepreneurship and services in rural areas.

Fourthly – basing the agricultural insurance system solely on the principle of group solidarity would mean the exclusion from the system of a significant number of farmers running farms outside the family farm model who would not be able to bear the burden of the contribution. In the event of a social risk, these persons would have to take advantage of social assistance benefits, which would also involve budgetary expenditure, but would be difficult to accept from a political and psychological point of view.⁴⁹

Fifthly – the fact that agricultural insurance must be based on nationwide solidarity is also confirmed by the experience of other European countries, whose regulations also provide for State budget subsidies (*inter alia* to limit the increase in food prices), although on a much smaller scale than in Poland.⁵⁰ In this context, it is worth recalling earlier regulations on farmers' social insurance, which specified the percentage share of budget subsidies and, respectively, the share of farmers' contributions in financing this system. And so, the Act of 1982 provided that expenditure on agricultural benefits should be covered in 1/3 by farmers' contributions, and in 2/3 by the state budget. The share of contributions was reduced by the transitional Act of 24 February 1990, which provided that in 1990 expenditure from the Farmers' Social Insurance Fund would be covered in 82.7% from the state budget subsidy, and in 17.3% from contributions paid by farmers themselves. The current Act initially provided that farmers would cover about 10% of expenditure on benefits from their contributions, and the rest would be covered by the state budget. However, this principle was later abandoned in favour of a supplementary subsidy, *i.e.*, variable subsidy depending on the amount of income from contributions and the scale of expenditure.⁵¹

It should be noted, however, that subsidies from the state budget are intended not only to cover pension benefits, but also to finance farmers' health insurance contributions and pension insurance contributions for persons who provide personal care for a child. Besides, it should be noted that currently, also within the general social insurance system, about 30% of expenditure on benefits is covered from non-contributory sources, *i.e.*, from a supplementary subsidy to the Social Insurance Fund and from interest-free (in practice non-returnable) loans from the state budget.⁵²

48 As emphasised *inter alia* by W. Jagła, *System...*, *op. cit.*, p. 98; B. Wierzbowski, *Ubezpieczenie...*, *op. cit.*, p. 112.

49 This is the opinion of B. Wierzbowski, *Ubezpieczenie...*, *op. cit.*, p. 107–108; a different opinion – J. Jończyk, *Reforma zabezpieczenia społecznego rolników*, "Materiały informacyjne ZUS" 1995, No. 8.

50 Cf. T. Jedynak, *Kierunki modyfikacji niektórych elementów systemu ubezpieczenia społecznego rolników w Polsce w świetle doświadczeń wybranych krajów europejskich*, "Ubezpieczenia Społeczne. Teoria i praktyka" 2017, No. 2, pp. 42–43.

51 The data contained in the so-called Green Book (Zakład Ubezpieczeń Społecznych [Social Insurance Institution], *Przegląd...*, *op. cit.*, p. 168) show that in 2015 the subsidy for KRUS from the state budget was 5.3%, while the percentage share in the general supplementary subsidy to the pension fund to finance pensions (excluding pensions for a free transfer of an agricultural holding to the Treasury) was at the level of 82.6%.

52 See K. Bielawska, *Rola pozaskładkowych źródeł w finansowaniu świadczeń z ubezpieczenia społecznego wypłacanych z Funduszu Ubezpieczeń Społecznych*, "Ubezpieczenia Społeczne. Teoria i praktyka" 2016, No. 2, p. 9 *et seq.* ZUS data (presented in the Green Paper) also show that in 2015 the expenditure coverage ratio with income from con-

Final remarks

In the doctrine, the problem of reforming the social insurance system has been raised on several occasions. The current level of state budget subsidies to the agricultural pension fund raises particular concerns, and so many proposals concern the introduction of solutions aimed at limiting these subsidies. Among them,⁵³ attention should be drawn to the proposal of raising the limit of farm area generating the insurance obligation (at least to 2 conversion hectares); owners of smaller farms should take advantage of social assistance benefits if risk materialises. It is believed that the discussed system should cover only farmers running economically efficient farms, which provide the farmer and his/her family with sufficient means for subsistence. A similar proposal assumes that KRUS insurance should cover only those farmers who produce for the market and this production is the source of their livelihood. At present, pension benefits are also available to farmers who, due to the small area of land, do not produce for sale, and their farms satisfy only their own nutritional needs. It is worth noting that on such agricultural holdings, these benefits play an important role in the income of rural families and are sometimes higher than the income from agricultural activity. In many families, they play the role of unemployment benefit for farmers, mitigating the effects of agrarian unemployment in rural areas.⁵⁴

Another postulate is to create a possibility of paying (on a voluntary basis) an additional contribution by owners of large farms conducting agricultural activities of considerable size, which would result in their future right to a higher benefit.⁵⁵ These persons may remain in the agricultural system, but should not be subsidised from the state budget to the same extent as other persons covered by farmers' social insurance.⁵⁶

However, first of all it is proposed to change the rules for assessing contributions for old-age and disability pension insurance for farmers, to ensure that they are calculated based on farm income or on the average gross wage/salary in the national economy or on the economic size of the holding (ESU), *i.e.*, in proportion to the size of the holding, but taking into account not only the number of conversion hectares, but also the sum of all the production factors representing an ability to generate income.⁵⁷

In general terms, the proposals for the reform of the farmers' social insurance system aim to limit the state budget subsidies to this system, but do not propose their abolition.

tributions was 71.9%, which means that in the remaining scope the expenditure on social insurance benefits had to be covered from non-contributory sources, *i.e.*, primarily from the state budget.

53 I have presented most of these proposals earlier in the study *Obowiązek...*, *op. cit.*, pp. 111–113.

54 See B. Wierzbowski, *Ubezpieczenia...*, *op. cit.*, p. 51; *idem*, *Ubezpieczenie...*, *op. cit.*, p. 112.

55 See, for example, W. Michna, *op. cit.*, p. 87.

56 For instance B. Wierzbowski, *Ubezpieczenie...*, *op. cit.*, p. 114.

57 For more on the advantages and disadvantages of each of these proposals, see W. Jagła, *System...*, *op. cit.*, pp. 107–110. See also J. Neneman, M. Plich, M. Zagórski, *Koncepcja reformy systemu ubezpieczeń społecznych rolników*, Warszawa 2013, p. 16–17; T. Jedynak, *Funkcjonowanie...*, *op. cit.*, pp. 66–67.

At present, given the significant diversity of agricultural holdings in Poland in terms of their area structure, economic potential and the actual income earned by farmers, the discussed insurance system is not able to provide adequate protection without budget support. It is therefore a matter of limiting national solidarity in favour of strengthening group solidarity, while changes in financing, implementing the principle of intra-group solidarity, should be introduced gradually.

58 See D. Puślecki, *Jeszcze w sprawie ubezpieczeniowego charakteru rolniczego ubezpieczenia społecznego*, "Ubezpieczenia w Rolnictwie" 2016, No. 60, p. 118.

Helena Pławucka, Ph.D.
retired Assistant Professor of the University of Wrocław
ORCID: 0000-0002-1665-8339

SOURCES

- Antonów K., *Uwagi o sposobach finansowania niektórych świadczeń z zabezpieczenia społecznego* [in:] *Aksjologiczne podstawy prawa pracy i ubezpieczeń społecznych*, ed. M. Skąpski, K. Ślęzak, Poznań 2014.
- Babińska-Górecka R., Stopka K., *Stare dogmaty i nowe wyzwania w prawie ubezpieczeń społecznych* [in:] *Stare dogmaty i nowe wyzwania w prawie i ekonomii*, ed. U. Kalina-Prasznic, Warszawa 2013.
- Bielawska K., *Rola pozaskładowych źródeł w finansowaniu świadczeń z ubezpieczenia społecznego wypłacanych z Funduszu Ubezpieczeń Społecznych*, "Ubezpieczenia Społeczne. Teoria i praktyka" 2016, No. 2.
- Bińczycka-Majewska T., *Zabezpieczenie emerytalne rolników indywidualnych* [in:] *Ryzyko starości – problemy zabezpieczenia*, ed. U. Jackowiak, L. Abramowicz, Kraków 2007.
- Jagła W., *KRUS a funkcja wspierania rozwoju drobnej przedsiębiorczości*, "Ubezpieczenia w Rolnictwie" 2008, No. 36.
- Jagła W., *System rolniczy, jaki jest, jaki może być*, "Ubezpieczenia w Rolnictwie" 2010, No. 38.
- Jaskuła W., *KRUS jednak nie dla każdego*, "Ubezpieczenia w Rolnictwie" 2014, No. 51–52.
- Jaskuła W., *Ubezpieczenie społeczne rolników po nowelizacji*, "Ubezpieczenia w Rolnictwie" 2009, No. 37.
- Jedynak T., *Funkcjonowanie systemu zabezpieczenia społecznego rolników*, "Ubezpieczenia w Rolnictwie" 2015, No. 54.
- Jedynak T., *Kierunki modyfikacji niektórych elementów systemu ubezpieczenia społecznego rolników w Polsce w świetle doświadczeń wybranych krajów europejskich*, "Ubezpieczenia Społeczne. Teoria i praktyka" 2017, No. 2.
- Jończyk J., *Prawo zabezpieczenia społecznego*, Zakamycze 2006.
- Jończyk J., *Reforma zabezpieczenia społecznego rolników*, "Materiały Informacyjne ZUS" 1995, No. 8.

- Kalina-Prasznic U., *Neoliberalny dogmatyzm a reformy społecznego ubezpieczenia emerytalnego* [in:] *Stare dogmaty i nowe wyzwania w prawie i ekonomii*, ed. eadem, Warszawa 2013.
- Kobielski W., *Czy system ubezpieczenia społecznego rolników wymaga zmian?*, “Ubezpieczenia w Rolnictwie” 2001, No. 3.
- Michna W., *Ubezpieczenia społeczne rolników indywidualnych – w przeszłości i obecnie*, “Wieś i Państwo” 1993, No. 1.
- Nenemam J., Plich M., Zagórski M., *Koncepcja reformy systemu ubezpieczeń społecznych rolników*, Warszawa 2013.
- Orlewski M., Słotwiński Ł., *Zakres podmiotowy ubezpieczenia społecznego rolników*, “Rejent” 2005, No. 2.
- Ostrowski L., *Wybrane problemy kierunków reformy systemu ubezpieczeń społecznych rolników*, “Ubezpieczenia w Rolnictwie” 2001, No. 3.
- Pławucka H., *Obowiązek ubezpieczenia społecznego rolników* [in:] *Obowiązek ubezpieczenia społecznego*, “Ubezpieczenia Społeczne. Teoria i praktyka” 2017, No. 3.
- Podstawka M., *Uwagi do opracowania pt. Koncepcja reformy systemu emerytalno-rentowego rolników autorstwa dr. W. Kobielskiego*, “Ubezpieczenia w Rolnictwie” 2015, No. 54.
- Puślecki D., *Jeszcze w sprawie ubezpieczeniowego charakteru rolniczego ubezpieczenia społecznego*, “Ubezpieczenia w Rolnictwie” 2016, No. 60.
- Puślecki D., *Nowa konstrukcja zasiłku macierzyńskiego z ubezpieczenia społecznego rolników*, “Ubezpieczenia w Rolnictwie” 2015, No. 55–56.
- Szymecka-Wesołowska A., *O potrzebie reformy systemu ubezpieczenia społecznego rolników – głos w dyskusji*, “Ubezpieczenia w Rolnictwie” 2008, No. 36.
- Ślęzak K., *Aksjologiczne podstawy prawa ubezpieczeń społecznych ze szczególnym uwzględnieniem solidarności i sprawiedliwości* [in:] *Aksjologiczne podstawy prawa pracy i ubezpieczeń społecznych*, ed. M. Skąpski, K. Ślęzak, Poznań 2014.
- Ślęzak K., *Zasada solidarności w społecznym ubezpieczeniu emerytalnym* [in:] *Z zagadnień prawa pracy i ubezpieczeń społecznych. Księga jubileuszowa Profesora Herberta Szurgacza*, Warszawa 2011.
- Tryfan B., *Ubezpieczenie społeczne rolników niemieckich*, “Ubezpieczenia w Rolnictwie” 2010, No. 38.
- Wierzbowski B., *Specyfika rolnictwa jako przyczyna wyodrębnienia organizacyjnego ubezpieczenia społecznego rolników*, “Ubezpieczenia w Rolnictwie” 2016, No. 60.
- Wierzbowski B., *Ubezpieczenie społeczne rolników wyrazem solidaryzmu społecznego*, “Ubezpieczenia w Rolnictwie” 2000, No. 4.
- Wierzbowski B., *Ubezpieczenia w rolnictwie – terażniejszość i przyszłość*, “Ubezpieczenia w Rolnictwie” 2001, No. 3.
- Zakład Ubezpieczeń Społecznych [Social Insurance Institution], *Przegląd systemu emerytalnego. Bezpieczeństwo dzięki odpowiedzialności. Zielona księga*, Warszawa 2016.

Solidarność w ubezpieczeniu społecznym rolników

Rolnicy i pracujący z nimi małżonkowie oraz domownicy objęci ubezpieczeniem społecznym rolników stanowią jednorodną wspólnotę ryzyka. Wszystkie te osoby łączy wspólna cecha, jaką jest praca w gospodarstwie rolnym, narażająca na podobne zdarzenia losowe (ryzyka). Jednorodności tej nie narusza objęcie jego zakresem rolników-przedsiębiorców oraz rolników wykonujących równocześnie pracę na podstawie umów cywilnoprawnych bądź powołanych do rad nadzorczych, natomiast podważa ją możliwość objęcia rolniczym ubezpieczeniem emerytalno-rentowym na wniosek rolników, którzy zaprzestali prowadzenia działalności rolniczej lub pracy w gospodarstwie rolnym w związku z nabyciem prawa do wymienionych w ustawie świadczeń socjalnych z tytułu sprawowania opieki nad osobą niepełnosprawną.

Ubezpieczenie rolnicze obejmuje ochroną prawie takie same rodzaje ryzyk, jakie są chronione w ubezpieczeniu powszechnym, jednakże ze względu na specyfikę działalności rolniczej i sytuację osób wykonujących tę działalność ich kształt i zakres ochrony są nieraz istotnie odmienne (w opracowaniu zwrócono uwagę na te różnice).

Składka w ubezpieczeniu rolniczym ma charakter składki osobowej, ustalonej w jednakowej kwocie (ubezpieczenie wypadkowe i chorobowe) lub w procencie (ubezpieczenie emerytalno-rentowe), niezależnej bezpośrednio od dochodów osiągniętych w gospodarstwie rolnym. W omawianym systemie brak jest związku między wysokością opłacanej składki a rozmiarem uzyskiwanego świadczenia.

Uwzględniając udział ubezpieczonych we wspólnocie ryzyka i stopień przyczyniania się do finansowania świadczeń, należy stwierdzić, iż w obecnym kształcie rolnicze ubezpieczenie wypadkowe i chorobowe ze względu na samofinansujący się charakter tego ubezpieczenia jest oparte na solidarności grupowej, natomiast ubezpieczenie emerytalno-rentowe ze względu na fakt pokrywania znacznej części wydatków w tym ubezpieczeniu z budżetu państwa realizuje ideę solidarności ogólnonarodowej. Przyjęte unormowanie wynika z różnorodnych przyczyn (wskazanych w opracowaniu).

Wynikiem powszechnej krytyki aktualnego poziomu dopłat z budżetu do systemu ubezpieczenia rolniczego są zgłaszane w doktrynie propozycje wprowadzenia rozwiązań mających na celu ich ograniczenie (o czym szerzej w opracowaniu). Dyskusji wymaga więc skala dopłat i ich ukierunkowanie z uwzględnieniem obiektywnych uwarunkowań polskiego rolnictwa i sytuacji socjalnej osób prowadzących działalność rolniczą.

Słowa kluczowe: składka, rolnik, finansowanie, wspólnota ryzyka, solidarność