

P2. Disability Assessment and the Work of Disability Boards at the Pension and Disability Insurance Institute of the Republic of Slovenia

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The Pension and Disability Insurance Institute of the Republic of Slovenia is one of the pillars of social insurance, in charge of implementing disability insurance rights. The system of pension and disability insurance in the Republic of Slovenia is regulated by the Pension and Disability Insurance Act. The Institute consists of the Council, the Management, seven Divisions and nine Regional Units. Following the last reorganisation of the Institute, the Medical Assessment Division was established on 1 January 2006, consisting of the Medical Assessment Service, First Degree, Ljubljana, the Medical Assessment Service, First Degree, Maribor, the Medical Assessment Service, Second Degree and the first and second degree Disability Boards. In addition to the administrative staff, the Division's services employ 22 medical doctors whereas another 350 external co-workers of medical and non-medical professions take part on the boards of examiners.

Disability rights depend on the existence of a disability established by a disability board and on the conditions stated in the law. There are three disability categories:

- The first disability category includes insured persons who are no longer capable of performing gainful work or have a professional disability and no remaining work capacity.
- The second disability category includes insured persons whose work capacity for their own profession is reduced by 50 per cent or more.
- The third disability category includes insured persons who, with or without professional rehabilitation, are no longer capable of full-time work but can perform certain work at least part-time, or whose work capacity for their own profession is reduced by less than 50 per cent or who can still work in their profession full-time but cannot perform the work to which they are assigned.

The procedure of claiming disability insurance entitlements is initiated by the insured person or their legal representative, treating doctor, appointed doctor or a medical board.

In the first and second degree procedures, the Institute's expert bodies (disability boards) give their evaluation in an expert opinion on the basis of which the Institute issues a decision on the existence or non-existence of one of the disability categories. The disability category simultaneously implies the scope of disability insurance rights that the insured person can claim. Insured person and employers have the right to appeal the Institute's issued first-degree decision whereas they have a right to file a lawsuit against an issued second-degree decision. Thus, legal certainty is ensured to all participants in the procedure of claiming disability insurance entitlements.

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References:

1. Pension and Disability Insurance Act ZPIZ-1-UPB2/(Official Gazette of the RS, no. 20/04)
2. Rules on the Institute's Internal Organization, adopted on 1 January 2006.
3. Employment Relationships Act ZDR (Official Gazette of the RS, no. 42/02)
4. Health and Safety at Work Act ZVZD (Official Gazette of the RS, no. 64/01)

5. Code of Examining Doctors' Practice at the Pension and Disability Insurance Institute of the Republic of Slovenia adopted at the conference of the heads of disability boards on 15 May 2003
6. Disability Assessment Criteria, draft from 30 June 2006
7. Self-governing Agreement on the List of Physical Disabilities (Official Gazette of the SFRY, nos.38/83 and nos. 66/89)
8. List of Prescribed Medical Documentation in Claiming Rights due to Disability and Reduced Work Capacity (Official Gazette of the RS, no.113/02)
9. Rules on the Organisation and Work of Disability Committees and Other Expert Bodies of the Institute (Official Gazette of the RS, no. 118/05)