

National Human Rights Index

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2021

Right to Social Security:

Expert Commentary

The score: 5

Including scores by component:

- Existence of an effective social security system 4.4
- Support for the unemployed and persons incapable of working 4.3
- Support for families, children, the elderly and persons with disabilities 6.2

For a description of the baseline situation with the right to social security, see the commentary to the 2019 assessment. In assessing the state of the right to social security in 2021, the Index experts gave lower scores than in 2020. The experts' position is explained in detail below.

Existence of an effective social security system

An accessible, stable and adequate system is in place and generally operates effectively, including one or more programs aimed at providing benefits in case of relevant social risks and unforeseen circumstances, as well as including the establishment of minimum levels of support. However, the system is not transparent, does not sufficiently target vulnerable and marginalized groups, and is based on formal criteria. The drawback of this system is that it is not aimed at helping a specific person in a difficult situation, it is aimed at promoting state social priorities outlined in the plans for the development of social policy for the next 5 years. The system is designed for certain vulnerable groups, which are standardized and understood by the state as a given. It is not flexible and cannot respond quickly to new types of vulnerabilities.

In 2021, an employee has the opportunity to be released from work for health reasons for 3 days without official sick leave (once for the entire period of Presidential Decree No. 143 of 24.04.2020, as amended by Decree No. 512 of 31.12.2020)¹. This possibility is formulated as a right, not an obligation of the employer. As a general rule, such exemption is carried out without pay. The payment of temporary disability allowance was not envisaged. Preservation of average earnings for the period of release from work could be stipulated by the collective agreement or other local legal act of the

¹ Para. 14, Presidential Decree No. 143 of 24.04.2020

<https://pravo.by/document/?guid=12551&p0=P32000512&p1=1&p5=0>



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organization. Often this option was not implemented, and the employee "took" three days at his own expense (a similar possibility was provided earlier in the Labor Code)².

COVID-19 had an impact on the system for identifying people with disabilities. Thus, the state has reported a decrease in the number of people with disabilities. Experts note that this has most likely been achieved due to a decrease in appeals to medical and rehabilitation expert commissions (hereafter, MRECs) to establish disability due to fears of contracting COVID-19.

In 2021 unemployment benefits were not indexed, and the amount of benefits for a funeral decreased every month during 2021. The amount of many social payments was indexed, but with a delay and at a rate lower than the real rate of inflation. At the same time, according to experts, for employees of the security, defense and law enforcement agencies the indexation of payments was made regularly and on time.

Slight improvements in the social security system concerned workers employed in the public sector and state-financed organizations.

The social security system does not cover all people, especially vulnerable and marginalized groups. In addition, experts note that due to political repression, the number of people in a vulnerable position in terms of social security has increased. Thus, in 2021 a new discriminated group appeared - political activists. The situation of workers fired for political reasons worsened considerably in 2021. For example, an employee of a budget organization who lives in a small town and was fired from his previous job cannot find a new job (in such towns most organizations operate in the public sector) and, over time, remains outside the social security system.

The conditions for eligibility for benefits are not always reasonable and/or proportionate. Pension provision and benefits, as well as the very size and procedure for calculating pensions, are not transparent to the population. According to experts, a positive development was the entry into force on 1 January 2021 of the Decree No 171 of 18 May 2020 "On social support for certain categories of citizens" (hereinafter - Decree No 171)³, which partially solves the problem of "trapped" years of insurance coverage.⁴ Thus, it is provided that the retirement pension shall be assigned to the following persons - citizens aged 65 years - men, 60 years - women, who have not had the required length of service for retirement pension on general grounds, if they have not less than 10 years of insurance experience. Pension in this case is assigned in the amount of 73 percent of the highest value of the minimum subsistence level established by the Ministry of Labor and Social Protection of the pensioner for the last two quarters. For each full year of service over 10 years, the pension is increased by an additional 3% of that amount, but not more than to 100% of that value⁵. However, experts note that in practice such pensions began to be paid by the state only by the end of 2021.

² <https://money.onliner.by/2022/02/11/sprosili-u-rabotnikov-dayut-li-im-bolet-tri-dnya-doma-bez-bolnichnyx>

³ <https://president.gov.by/bucket/assets/uploads/documents/2020/171uk.pdf>

⁴ <https://www.pensii.belhelcom.org/>

⁵ Para. 1.6, Decree No 171

Persons with disabilities are entitled to appropriate benefits after a disability is established as a result of a medical and social expert examination, conducted by the MREC. The instructions on conducting a medical and social expert assessment⁶ were revised in 2021, and the changes provide for a reduction in the list of grounds for establishing a disability, and complication of the procedure for establishing a disability.

There are insufficient or no measures taken to properly educate the population about access to social security programs, particularly in rural and poor urban areas, as well as among linguistic and other minorities. The state expects people to know the necessary information and to know what to ask, but this is not the case. Legal literacy is low. The state does not inform widely different segments of the population; it works reactively to a specific request from a citizen.

In preparation for the referendum on changes to the Constitution the authorities organized dialogue platforms to discuss the draft constitutional amendments. At the same time, the experts note that the essence of such dialogue platforms was reduced to informing the population about the guarantees and benefits in the social sphere provided by the state. The reason, according to experts, was the fact that after the events of August 2020, social security is one of the "safest" topics for discussion, showing the positive steps of the state in relation to the population. Often the chairwoman of the Council of the Republic of the National Assembly, N. Kochanova, took part in this kind of informing, including in the regions.

Support for the unemployed and persons incapable of working

The social security system does not cover all employable persons: it sees and pays attention only to those who have a job contract. Part-time workers, day laborers, seasonal workers, as well as the self-employed and those engaged in non-standard labor activities in the informal economy are not taken into account.

Benefits are paid in the case of loss or absence of earnings related to the inability to get or keep a job, but in order to do this, it is necessary to prove that the person is objectively unable to find or keep a job. The state creates commissions to promote employment, but according to experts, they focus on finding out why a person is not working, not on finding him a suitable job, although according to the Decree № 3 "On promotion of employment," the state and its agencies must assist in employment of citizens in existing vacancies and jobs created; use individual approach in providing employment assistance to citizens who are unable to compete on equal terms in the labor market; organize training for citizens who are unable to compete on equal terms in the labor market; organize training for citizens in professions (specialties) that are in demand in the labor market.

In 2021, due to the mass dismissals for political reasons⁷, the assignment and calculation of severance pay in case of dismissal was organized in such a way as to minimize them. Thus, employees were often

⁶ <https://pravo.by/document/?guid=12551&p0=W22136972&p1=1>

⁷ <https://www.dw.com/ru/novye-chistki-neugodnyh-v-belarusi-uvolnjajut-za-sobytiya-2020/a-60077829>,
<https://spring96.org/be/news/106224>



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dismissed "by agreement of the parties," so that there was no obligation to pay severance pay. Every opportunity was taken in the calculation so that the amount of this benefit could be reduced as much as possible, often in violation of the collective bargaining agreement, and the prohibition against discrimination.

The social security system covered expenses and loss of earnings as a result of injury or illness, as well as loss of assistance intended for dependents who lost it as a result of the death of the breadwinner.

Accident benefits are mandated by law and are paid in practice, but there is a complicated procedure for proving it. The employer tries to hide the fact that the injury was sustained at work, as he "may face serious problems". In addition, experts note that the problem of delayed payments persists: they are made 5-6 months after the fact of the accident is established. All this time the person is left without the funds necessary for treatment and recovery. It is noteworthy that in 2021 there was indexation of fees for compulsory insurance of workers against accidents for employers, but not the indexation of payments to employees. As a consequence, experts point to the non-transparent nature of the system of compulsory insurance against accidents at work and occupational diseases.

In general, people whose incapacity for work is caused by illness receive monetary benefits for periods of loss of earnings, and those who suffer from any illness for long periods are entitled to disability benefits. However, these payments are often delayed or withheld in practice.

Support for families, children, the elderly and persons with disabilities

In 2021, the state's undifferentiated approach to social support continues. Family assistance benefits are provided without regard to the resources and living conditions of children and those responsible for supporting children or adult dependents. Their amount should cover the cost of food, clothing, housing, water and sanitation or, if necessary, other needs, but it does not. Benefits are paid without regard to people's needs.

Paid maternity leave is available to women who work under an employment contract or agreement, the same applies to maternity benefits. Women who are involved in the informal economy, individual entrepreneurs, self-employed, are not entitled to maternity and parental leave.

Payments during maternity leave do not cover the cost of caring for the child, nor do they cover the cost of the woman. If a woman cares for her child alone and has no partner to rely on for income during this time, she finds herself in a difficult situation: It is impossible to live on this allowance and provide a decent standard of living for her child and herself. If the calculation of the allowance were tied to a woman's last wage, as in many countries of the world, the situation would be completely different.

The law retains a separate allowance for women who have registered with health care organizations before 12 weeks of pregnancy and who regularly visit such organizations and follow the prescriptions of medical specialists throughout the pregnancy.⁸ However, in 2021, for safety reasons during the

⁸ Art. 10, Law of the Republic of Belarus of 29.12.2012 No 7-3 «On state benefits for families raising children»: <https://etalonline.by/document/?regnum=h11200007>

COVID-19 pandemic, women went to antenatal clinics less often and/or later to register and may have missed appointments. This deprived women of the right to this benefit.

Experts note continuing problems in 2021 with incorrect calculation and accrual of payments to the self-employed, women who are registered as individual entrepreneurs. According to experts, the rigidity of the social security system also confirms the lack of any measures to extend or restore the terms on which pregnancy payments depend. Many women who went abroad in 2021, due to the collapse of transport links on the border with Poland⁹, could not return to Belarus in time to claim for certain payments. The authorities did not react to this situation.

A positive step was the expansion in 2021 of the list of purposes for which the family capital can be used¹⁰. Thus, such purposes were added as the purchase of goods designed for social rehabilitation and integration of persons with disabilities into society; the purchase of shares (shares) in the right of ownership of residential premises, and some others.

In 2021, women and children continue to receive appropriate medical benefits, including prenatal, childbirth and postnatal care, and, if necessary, care during hospitalization. The state provides for free medicine, partnered births. However, women from Minsk or regional centers have higher access to medicine, maternity hospital and related benefits than women from small towns and settlements, which affects the promptness and timeliness of access to medical care. At the same time, against the background of political repression in health care, the number of medical personnel decreased, and the quality of medical care declined.

In connection with COVID-19 in 2021 additional restrictions affecting access to medical care were introduced. The following measures were highlighted by experts as positive. An electronic prescription system was introduced in 2021, allowing prescriptions to be written remotely without having to visit health care facilities.¹¹ It was also common practice for medical workers to write prescriptions for drugs at reduced prices "in reserve" - for a longer period of time, so that patients would avoid visiting medical institutions.

A gap in the age of retirement for men and women is preserved. There is a list of prohibited professions for women, which, among other things, prohibits women from working in hazardous industries. The state argues that it is necessary to preserve the reproductive function of women and to protect motherhood. Some men are more exposed to hazardous work due to their occupation. Such men, according to the legislation of Belarus, retire earlier because of working conditions. The state, on the one hand, encourages pensioners to continue working, but, on the other hand, in this case it takes away 20% of their pension.

⁹ <https://www.dw.com/ru/chto-proishodit-v-punktah-propuska-na-belorussko-polskoj-granice/a-59803995>

¹⁰ Decree of the President of the Republic of Belarus from 12.10.2021 No 389 "On the use of family capital"

¹¹ <https://www.belta.by/society/view/minzdrav-obnovil-vremennye-rekomendatsii-ob-okazanii-medpomoschi-patsientam-s-covid-19-469340-2021/>