

ISF Report 2011:16

# Pregnancy and sickness benefits among pregnant women.

The application of the legislation.

Swedish Social Insurance Inspectorate

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# Summary

The Swedish Social Insurance Inspectorate (ISF) was commissioned by the government to examine the application of the legislation concerning sickness benefit and pregnancy benefit for women with pregnancy-related disorders.

The main conclusion of the report is that there are several problems arising from the application of the legislation and that more women should probably be granted pregnancy benefit.

Earlier studies showed large regional differences in the withdrawal of parental benefit, pregnancy benefit and sickness benefit. The regional differences in terms of pregnancy benefit and parental benefit have now decreased, however. A small part of the regional difference in pregnancy benefit can be explained by regional differences in changeover from sickness benefit to pregnancy benefit. In addition to this changeover, ISF finds little support for the suggestion that the regional differences in the pregnancy benefit granted can be explained by the Swedish Social Insurance Agency's handling of cases. Nor can the regional differences in sickness benefits among pregnant women be explained by the Agency's handling as the numbers of rejections are few.

The report shows that approximately half of the medical certificates in the sickness benefit cases have an incorrect or incomplete international classification of disease code (ICD). According to the National Board of Health and Welfare the diagnosis of pregnant women should be within the ICD chapter on conditions related to or aggravated by pregnancy, childbirth or the puerperium (maternal causes or obstetric causes) or supplemented by a diagnosis stating that the woman is pregnant (ICD-10 Z33).

Investigations, assessments and stated reasons behind the decisions in sickness benefit cases are usually sound. Several problems in applying the legislation on pregnancy benefit have been identified,

however. Many of these are related to how the legal analysis that the National Social Insurance Board published in 1992 (RFV Anser 1992:1) is used. The Swedish Social Insurance Agency focuses too strongly on specific elements, e.g. the occurrence of heavy lifting at work, and fails to conduct an individual assessment. The overly strict application does not account for the past 20 or 30 years of increased knowledge in the medical field, the change that working conditions in many professions have undergone, and the change in the labour market as a whole. The reasons for the Agency's decisions on pregnancy benefit are inadequate in one-third of cases. In addition, the Agency should have investigated much more the possibility of the transfer of the insured to lighter or less risky work before a decision about pregnancy benefit was taken. According to the Working Environment Act an employer can prohibit an employee from working because of risks in the work environment. The report shows, however, that the Agency rarely informs the insured about the employer's right to prevent the insured from working when the Agency is notified that she is exposed to risks in her work. The report presents proposals to address the identified shortcomings.

There are no indications that the changes made by the Swedish Social Insurance Agency's re-examinations and the adjudication of the Administrative Court and the Administrative Court of Appeal can be attributed either to the identified implementation problems or to other systemic deficiencies in the Agency's handling and assessment of cases.