

勞工職業災害保險－失能給付（含照護補助）常見問答

Labor Occupational Accident Insurance – FAQ of Permanent disability benefits (including care subsidy)

序號	問題	回答
1	<p>職災保險失能給付的請領資格及給付基準各如何？</p> <p>What are the eligibility requirements and payment standards for disability benefits from occupational accident insurance?</p>	<p>請領資格：</p> <p>Eligibility:</p> <p>被保險人遭遇職業傷病，經治療後，症狀固定，再行治療仍不能改善其治療效果，經全民健康保險特約醫院或診所診斷為永久失能，符合勞工職業災害保險失能給付標準規定者，得按其平均月投保薪資，依規定之給付基準，請領失能一次金給付。若被保險人 98 年 1 月 1 日勞保年金制度施行前有勞工保險年資，經評估失能狀態為終身無工作能力符合失能年金給付條件，除已領取失能年金者外，亦得選擇請領失能一次金。</p> <p>Workers suffer from occupational injuries or occupational diseases. After treatment, the symptoms are fixed, and further treatment cannot improve the treatment effect. The national health insurance special hospital or clinic is diagnosed with permanent disability and meets the provisions of the disability payment standard of labor accident insurance. , may apply for a lump sum payment of disability according to the average monthly insured salary and the prescribed payment standard. If the degree of disability is in line with total disability, severe disability or partial disability, they may apply for disability annuity. On January 1, 1998, the insured had labor insurance seniority before the implementation of labor insurance annuity, and the disability status was assessed as being unable to work for life and meeting the conditions for disability annuity.</p> <p>給付基準：</p> <p>Payment Criteria:</p> <p>一次金給付：按被保險人診斷實際永久失能日當月起前 6 個月的平均月投保薪資，並依勞工職業災害保險失能給付標準規定的給付等級日數計算發給。最高第 1 等級，給付日數 1,800 日，最低第 15 等級，給付日數 45 日。</p> <p>It will be paid according to the average monthly insured salary for the first 6 months from the month when the</p>

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		<p>insured is diagnosed with actual permanent disability, and calculated according to the number of days for the payment level specified in the disability payment standard for labor occupational accident insurance. The highest tier 1 has 1,800 days of payment, and the lowest tier 15 has 45 days of payment.</p> <p>年金給付：依被保險人之失能程度，經評估符合完全失能、嚴重失能或部分失能者，按平均月投保薪資 70%、50%或 20%發給失能年金。如同時有符合加發眷屬補助請領資格的配偶或子女時，依失能年金給付標準計算後金額每一人加發 10%，最多加計 20%。</p> <p>Annuity payment: According to the degree of disability of the insured, if it is assessed as being completely disabled, severely disabled or partially disabled, a disability annuity will be paid at 70%, 50% or 20% of the average monthly insured salary. If there are spouses or children who are eligible for additional dependent allowances at the same time, 10% of the amount calculated according to the disability annuity payment standard will be added to each person, up to a maximum of 20%.</p>
2	<p>如何申請職災保險失能給付？應備具哪些文件？</p> <p>How to apply for occupational accident insurance disability benefits? What documents should be provided?</p>	<p>如何申請職災保險失能給付？</p> <p>被保險人如於保險有效期間罹患傷病，經治療後，症狀固定，再行治療仍不能改善其治療效果，於加保期間或退保後 1 年內，經診斷遺存失能，符合勞工職業災害保險失能給付標準規定，得於 5 年請求權時效內，洽「經衛生福利部醫院評鑑優等以上、醫院評鑑合格之醫學中心或區域醫院、醫院評鑑及教學醫院評鑑合格」之全民健康保險特約醫院或診所診斷開具「勞工職業災害保險失能診斷書」，由醫院逕寄本局，並另填具「勞工職業災害保險失能給付申請書及給付收據」連同「勞工職業災害保險失能診斷書逕寄證明書」，經由投保單位向本局申請失能給付（如已退保可自行申請），本局再依上開規定綜合審定被保險人適用之失能等級及日數後發給。</p> <p>至失能給付相關申請書空白表格可電洽本局 02-23961266 轉分機 3666 綜合索表組或逕洽本局總局 1 樓服務台、本局各縣市辦事處索取。</p> <p>How to apply for occupational accident insurance disability benefits?</p> <p>If the insured suffers from an injury or illness during the effective period of the insurance, after treatment, the symptoms are fixed, and further treatment cannot improve the treatment effect. During the insurance</p>

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		<p>addition period or within 1 year after the withdrawal of the insurance, the disability is diagnosed, which is in line with labor occupational accidents. The insurance disability payment standard stipulates that, within the 5-year limitation period of the right of claim, contact the "medical center or regional hospital, hospital evaluation and teaching hospital evaluation that have passed the hospital evaluation of the Ministry of Health and Welfare as excellent or above and qualified in the evaluation of the hospital". The National Health Insurance special hospital or clinic will issue a "Labor and Occupational Accident Insurance Disability Diagnosis Certificate", which will be sent to this bureau directly by the hospital, and the "Labor and Occupational Accident Insurance Disability Payment Application Form and Payment Receipt" together with the "Labor and Occupational Accident Insurance Disability Insurance" should be filled out. "Certificate of Disability Diagnosis", apply for disability payment to the Bureau through the insured unit (if the policy has been surrendered, you can apply by yourself). Give. For the blank form of the application form related to the failure to pay, you can contact the Comprehensive Requisition Team of the Bureau at 02-23961266, ext. 3666, or contact the Service Desk on the 1st Floor of the General Bureau of the Bureau or the county and city offices of the Bureau to obtain it.</p> <p>應備具書件如下： The following documents should be provided: 勞工職業災害保險失能給付申請書及給付收據。 Worker occupational accident insurance disability payment application form and payment receipt. 勞工職業災害保險失能診斷書。 Labor occupational accident insurance disability diagnosis certificate. 經醫學檢查者，附檢查報告及相關影像圖片。 For those who have undergone medical examination, the examination report and relevant images and pictures are attached.</p>
3	<p>職災保險失能年金是否跟勞保一樣，必須工作能力減損70%以上才可以請領年金？ Is occupational accident insurance disability annuity the same as labor insurance, in which an annuity can only be claimed if the working ability</p>	<p>職災保險失能年金與勞保失能年金規定不同，其條件依失能程度區分為完全、嚴重及部分失能等3類型，請領標準如下： The occupational accident insurance disability annuity is different from the labor insurance disability annuity, and its conditions are divided into three types: complete, severe and partial disability according to the degree of disability. The application standards are as</p>

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	has been reduced by more than 70%?	<p>follows:</p> <p>完全失能：符合勞工保險失能給付標準(下稱勞保失能標準)第3條附表所定失能等級第1等級或第2等級之失能項目，且該項目失能狀態列有終身無工作能力者。</p> <p>Totally incapacitated: Disability items that meet the disability level 1 or 2 specified in the appendix of Article 3 of the labor insurance disability payment standard, and the disability status of the item is listed as lifelong inability to work.</p> <p>嚴重失能，應符合下列條件之一：</p> <p>Severely disabled, the following condition should be met:</p> <p>符合勞保失能標準第3條附表所定失能等級第3等級之失能項目，且該項目之失能狀態列有終身無工作能力者。</p> <p>Those who meet the disability item of the third level of disability specified in the appendix of Article 3 of the labor insurance disability payment standard, and the disability status of the item is listed as a person who is unable to work for life.</p> <p>整體失能程度符合失能等級第1等級至第9等級，並經個別化專業評估，其工作能力減損達70%以上，且無法返回職場者。</p> <p>The overall degree of disability conforms to the 1st to 9th level of the disability scale, and after individualized professional assessment, their working ability has been reduced by more than 70%, and they are unable to return to the workplace.</p> <p>部分失能：整體失能程度符合失能等級第1等級至第9等級，並經個別化專業評估，其工作能力減損達50%以上者。</p> <p>Partially disabled: The overall degree of disability conforms to the 1st to 9th level of the disability scale, and after individualized professional evaluation, the loss of work ability is more than 50%.</p>
4	<p>被保險人遭遇職災事故致遺存失能，是否可以同時請領勞保老年年金及職災保險失能年金？</p> <p>If the insured suffers an</p>	<p>可以，依勞工職業災害保險及保護法第58條規定，被保險人發生不同保險事故，同時符合職業災害保險年金或其他社會保險年金時，得併領，但職災年金給付會予以減額調整，減額調整比率以50%為限。是以，被保險人於請領職災保險失能年金期</p>

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	occupational accident and remains disabled, can he apply for the labor insurance old-age annuity and occupational accident insurance disability annuity at the same time?	<p>間，嗣符合請領勞保老年年金條件，並提出申請時，可同時併領兩種年金給付，惟其請領之職災保險失能年金與勞保老年年金給付之合計金額，如超過「職災保險失能年金」所採計之平均月投保薪資數額，本局將依規定自其原領「職災保險失能年金」辦理扣減。</p> <p>Yes, according to Article 58 of the Labor Occupational Accident Insurance and Protection Act, when the insured has different insurance accidents and is eligible for occupational accident insurance annuity or other social insurance annuity, they may receive both, but the occupational accident annuity payment will be reduced and adjusted. The derating adjustment ratio is limited to 50%. Therefore, during the period of claiming occupational disaster insurance disability annuity, the insured meets the conditions for applying for labor insurance old-age pension, and can receive both annuities at the same time when he applies, but the occupational disaster insurance disability annuity he applies for If the total amount paid with the labor insurance old-age annuity exceeds the average monthly insured salary calculated by the “Occupational Accident Insurance Disability Annuity”, the Bureau will deduct it from the original “Occupational Accident Insurance Disability Annuity” according to regulations.</p>
5	<p>職災保險失能給付之失能種類、項目、等級是否與勞工保險失能給付相同？</p> <p>Are the types, items, and levels of disability paid by occupational accident insurance the same as those paid by labor insurance?</p>	<p>考量被保險人不論係因職業災害或普通傷病致永久失能，據以審查認定之給付標準應採相同審查認定基準，失能種類、狀態、等級、審核基準、開具診斷書醫療機構層級等皆依勞工保險失能給付標準規定辦理。</p> <p>Considering whether the insured is permanently disabled due to occupational accident or common injury or illness, the payment standards based on the review and determination shall be based on the same review and determination standards. It shall be handled in accordance with the provisions of the labor insurance disability payment standard.</p>
6	<p>被保險人遭遇職業災害後領有身心障礙手冊是否就可以請領職災保險失能給付？</p> <p>Can the insured obtain disability benefits from occupational accident insurance if he/she has a disability handbook after suffering an occupational accident?</p>	<p>因身心障礙手冊之核發標準與職災保險失能給付之認定係適用不同法令，自不得援引比照適用，惟被保險人如遭遇職業傷病，經治療後，症狀固定，再行治療仍不能改善其治療效果，經全民健康保險特約醫院或診所診斷為永久失能，符合勞工職業災害保險失能給付標準規定者，得申請職災保險失能給付。</p> <p>Because the issuance standards of the Handbook of Physical and Physical Disability and the determination</p>

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		of disability payment by occupational accident insurance are subject to different laws and regulations, it is not allowed to cite and apply mutatis mutandis. If the treatment effect is diagnosed as permanent disability by a special hospital or clinic of the National Health Insurance, and meets the provisions of the labor occupational accident insurance disability payment standard, you may apply for the occupational accident insurance disability benefits.
7	<p>領職災保險失能年金是不是必須退保？</p> <p>Do I have to surrender the disability annuity for occupational disaster insurance?</p>	<p>依勞工職業災害保險及保護法第 48 條規定，被保險人經評估為終身無工作能力，領取本保險或勞工保險失能給付者，由保險人逕予退保。是以，被保險人因職業災害致遺存失能，如失能程度已達終身無工作能力，並請領完全或嚴重失能年金者，本局即依前揭規定逕予退保；至請領部分失能年金者，其如可返回職場則可繼續加保。</p> <p>According to Article 48 of the Labor Occupational Accident Insurance and Protection Act, the insured is assessed to be incapable of working for life, and if the insured fails to receive this insurance or the labor insurance, the insurer will directly surrender the insurance. Therefore, if the insured remains disabled due to occupational accidents, if the degree of disability has reached the level of inability to work for life, and if a total or severe disability annuity is claimed, the bureau will surrender the policy in accordance with the previous regulations; For some disability annuities, if they can return to the workplace, they can continue to add insurance.</p>
8	<p>被保險人身體原已局部失能，不幸又發生職災，可以再請領失能給付嗎？如何認定失能程度加重？</p> <p>The insured is already partially disabled, but unfortunately another occupational accident occurs, can he claim the disability payment again? How to determine the severity of disability?</p>	<p>被保險人之身體原已局部失能，再因職業傷病致同一部位失能程度加重或不同部位發生失能，經綜合評估符合下列情形者，即可認定為失能程度加重，得依規定提出申請。If the insured's body is already partially disabled, and the degree of disability of the same part is aggravated due to occupational injury or illness, or the disability of different parts occurs, after a comprehensive assessment, if the following conditions are met, the degree of disability can be determined to be aggravated, and a claim may be made in accordance with regulations Application.</p> <p>失能一次金：經綜合評估全部失能狀態核定之失能等級，較原已局部失能之失能等級提高。</p> <p>失能年金：經綜合評估全部失能狀態核定之失能等級較原已局部失能之失能等級提高，或失能項目較原已局部失能之失能項目增加。</p>

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		<p>One-time disability payment: The disability level approved by comprehensive evaluation of all disability status is higher than the original disability level of partial disability.</p> <p>Disability annuity: The level of disability approved by comprehensive evaluation of all disability status is higher than that of partial disability, or the disability items are increased compared to the original partial disability.</p>