ANALYSIS OF SOCIAL AND HEALTH REIMBURSEMENTS FOR MINERS IN TEMS OF THE DECLINE OF MINING ACTIVITY IN THE CZECH REPUBLIC FUNDED FROM THE STATE BUDGET

ANALÝZA SOCIÁLNĚ ZDRAVOTNÍCH NÁHRAD HORNÍKŮM V SOUVISLOSTI S ÚTLUMEM HORNICKÉ ČINNOSTI V ČR FINANCOVANÝCH ZE STÁTNÍHO ROZPOČTU

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Abstrakt

The present article deals with the area of social and health welfare of former and current employees of the abolished, privatized or otherwise affected by reorganization mining enterprises in connection with the decline of uranium, ore and coal mining industry in the country. It describes a thorough analysis of the legislation governing the given area from the start of the decline in mining activity in 1990 to the present. Subsequently, relying on real data from practice, the article shows elaborated overviews of trends in the number of beneficiaries of all kinds of provided mandatory and decline-based social and health reimbursements in the years 2001-2012, including the total cost financed in a form of subsidies from the state budget. The forecast of trends of these monitored indicators, processed by the age of beneficiaries of compensations, type of work and other practice-verifiable data, suggests a sharp reduction in the number of recipients of mandatory compensations in the year 2015, the complete termination of payment of a special health benefit for miners by 2025, compensations of accidents at work, occupational diseases and allotments of coal and wood by the year 2035. The payment of the special benefit to miners, a claim for which occurred after 31 December 1992, will have finished by the year 2040.

Abstrakt

Předložený článek se zabývá oblastí sociálně zdravotního zabezpečení bývalých a současných zaměstnanců rušených, privatizovaných či jinak reorganizací dotčených hornických podniků v souvislosti s útlumem uranového, rudného a uhelného hornictví v ČR. Je provedena důkladná analýza legislativy upravující danou oblast od zahájení útlumu hornické činnosti v roce 1990 až po současnost. Následně jsou na základě reálných údajů z praxe zpracovány přehledy vývoje počtu poživatelů všech druhů poskytovaných mandatorních i útlumových sociálně zdravotních náhrad v letech 2001-2012, včetně celkových nákladů, financovaných formou čerpání dotací ze státního rozpočtu. Prognóza vývoje těchto sledovaných ukazatelů, zpracovaná na základě věku příjemců dávek, druhu práce a dalších praxí ověřitelných údajů naznačuje, že k prudkému poklesu počtu příjemců mandatorních dávek dojde kolem roku 2015, k úplnému ukončení výplaty zvláštního příspěvku horníkům zdravotního do roku 2025, k odškodnění pracovních úrazů, nemoci z povolání a deputátů do roku 2035. Výplata zvláštního příspěvku horníkům, na který vznikl nárok po 31. 12. 1992, skončí do roku 2040.

Key words: decline in mining activity, mandatory compensations, decline-based compensations

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1 INTRODUCTION

Decline in mining activity in the Czech Republic caused by political and economic changes began in 1990 in the ore mining, and in 1992 was followed by the decline in coal mining. The decline in manufacturing, strong pressure to improve the environment, and economic changes meant a gradual process of reducing the level of mining, closure of unpromising operations and reducing the number of workers in the sector. The very process of mining decline would not be possible without the state participation which was absolutely essential for its implementation. It was not just about a legislative endorsement of the entire process, but especially about its financial resources. The state is responsible for implementing and financing the decline, remediation of mining activity and removal of old environmental burdens, including state subsidies for the social programme (both mandatory and obligatory expenses) for workers affected by mining downturn.

As is clear from the information of the Ministry of Industry and Trade (MIT), more than CZK 78 billion was released from the state budget for the decline of mining since its inception in 1992 until the end of 2010. Hereof more than CZK 30 billion was drawn for the payment of social and health welfare of miners which is an integral part of the decline in mining. The subsidy provided for ensuring the payment of mandatory compensations as of 31 December 2011 amounts to CZK 1 149.6 million. Pending the completion of mining downturn in 2040 it should be another CZK 130 billion; thereof CZK 37.2 billion should be the cost of social and health welfare of miners. [1]

The decline of mining induced by the change in economic conditions is not a problem just in the Czech Republic. Coal mining in Western Europe has begun to decrease since around 1960, and the decline continues to this day. To prevent social and political impacts, governments of these countries adopted the measures with significant financial state subsidies. In all these economically developed countries with well-developed coal industry, the governments organized and managed the process of decline and addressing the consequences, either directly or through state organizations, regardless of whether the coal industry was in public or private ownership.

2 LEGISLATION

Despite different conditions of Czech mining compared to the Western European mining, the restructuring processes have common ground. The restructuring systems were built on a clear definition of the role of the state and mining organizations; herewith managing the entire process is supported by binding legislative acts.

First, a decline of Czech uranium mining commenced; it was on 1 January 1990 based on **Government Resolution of the then ČSSR No. 94 of 19 October 1989, on the concept of reduction of uranium mining loss-making in the Czechoslovakia.** [2] At the same time, the financing of some related activities on the part of the state, including social measures, could also start. At that time, it was about three benefits – a wage compensation, special health compensation for miners and special decline-based compensation for miners.

The scope of rights to social measures, however, expanded with the increasing decline. **Government Resolution No. 894 of 17 December 1990, on the change in the concept of the decline of uranium mining in the ČSSR in relation to the needs of nuclear energy**, was broadened to the scope of subsidized social actions outside of the above mentioned compensations even by a grant for retraining and severance when meeting the highest permissible exposure (HPE) which was established by the Chief Health Officer with effect from 1 December 1990 for underground work with a ionizing radiation risk for 2,100 shifts. [3]

Since 1993, Government Decree of the CR No. 429/1993 amending the concept of decline of uranium mining and preservation of the Hamr I has been a basic document. [4] The state budget has covered these social and health benefits:

- special benefit for miners;
- wage compensation for transfer to another job after meeting the HPE;
- compulsory severance pay to meet the HPE;
- severance pay on termination of employment due to organizational reasons;
- retraining;
- compensations for accidents at work and occupational diseases, including allowances;

- loyalty bonus for miners;
- single compensation of loyalty bonus for miners;
- reconditioning and rehabilitation programmes;
- social insurance and health insurance (if transferred from certain benefits).

On 31 May 1994, the MIT issued an opinion stating that "... the decline of uranium mining affected all sites that are covered by Government Resolutions, and that the decline of mining affected both the current workers of the DIAMO state enterprise and its former employees whose employment in the state company was terminated for some reason giving the entitlements and fulfilment given in Tab. 2 of Annex 1 of the cited Government Resolution No. 429/1993 ... ". [5] All the paid out social and health benefits were therefore considered as decline-based benefits and were financed from the state budget.

In 2002, however, a significant change in their funding occurred. Act No. 154/2002 Coll., on the interim financing of certain social and health benefits for miners was adopted, which regulated the financing of three benefits [6]:

- special benefit for miners;
- **compensation for loss of earnings** (for both, the entitlement had to occur to 31 December 1992).
- allotment of coal and wood (if entitlement occurred to 16 January 1992).

The Act concerned only the benefits paid out by organizations of coal, uranium or ore mining and their payments were made in a form of subsidies from the state budget. The organizations had a legal claim for granting these subsidies. The extensive restructuring in the deep mining industry, implemented by the state in 1990-1992, was the reason for this new legal regulation. This period was marked by a sharp decline in mining and mass-firing of miners for organizational and health reasons. Other job placement of the released workers into the labour market was difficult; therefore the granting of these benefits provided them a partial compensation for health and social harm occurred as a result of work in dangerous workplaces.

The payment of social and health benefits is a long-term, although time-limited financial commitment of the state which is a result of adopting the strategic decision on the decline of coal, ore and uranium mining. The state as the owner of mining enterprises made a decision on them at the time when such benefits were granted to the affected miners, and therefore it must be guaranteed in the future as well.

However, the above legal regulation does not apply to the financing of these entitlements granted after 31 December 1992 for commercial companies, several of them occurred by the year 1994 (e.g. Ostravsko-karvinské doly, Mostecká uhelná, etc.). These companies must pay them out from their own funds.

The situation in state-owned enterprises is different – after the Act entered into force, the founder of state-owned enterprises (MIT) divided social and health benefits for miners funded from the state budget, as follows:

- a) benefits financed pursuant to Act No. 154/2002 Coll., on temporary financing of certain social and health benefits for miners [6];
- b) other benefits paid out according to Government Resolution No. 429/1993, then No. 9113/1999 which was then replaced by Government Resolution of the CR No. 1128/2003, on the programme for completion of the restructuring of coal mining. [7]

Government Resolution No. 1128/2003 applies to ore and uranium mining and contains two appendices: the first set the update of the procedure of remediation of mining activities (deadlines for the completion of work at various sites covered by state-owned enterprises like Palivový kombinát Ústí nad Labem, Východočeské uhelné doly Trutnov, and DIAMO Stráž pod Ralskem). The second appendix defined costs that can be covered by funds from the state budget since 2004. These are both the obligatory social and health benefits resulting from Act No. 154/2002 Coll. (so-called **mandatory**

compensations), i.e. the entitlements occurred to 31 December 1992; and obligatory social and health **decline-based compensations**, the entitlements for which arose after 31 December 1992.

Government Resolution No. 1128/2003 further defined all declined sites till then incorporated in the DIAMO state-owned enterprise (in a form of transfer of remains of privatized enterprises or through sales of parts of enterprises).

The following tables 1, 2 provide an overview of the number of beneficiaries of social and health compensations and trends of total costs on their funding in the years 2001-2012. For DIAMO a big break came in 2004, when since 1 January, the enterprise has taken over the entire agenda of social and health reimbursements. As a result of this centralization, the biggest increase in the number of beneficiaries and thus the costs of benefits occurred in DIAMO. The state enterprise DIAMO today provides the payment of social and health reimbursements not only to own employees of the uranium mining (current and former ones), but the entity was charged to pay these benefits also to former employees of abolished, privatized or otherwise reorganized mining companies or their parts, for which DIAMO is a successor organization based on the founder decision. These include Rudné doly Příbram (Příbram Ore Mines) and Rudné doly Jeseník (Jeseník Ore Mines), Jihomoravské lignitové doly Hodonín (South Moravian Lignite Mines), Odra Mine and Barbora Mine and many other locations, including the Centre for payment of social benefits exempt from OKD a.s. Ostrava:

SHR	2001	2002	2003	2004	2005	2006
Mandatory:						
Number of beneficiaries	44,767	41,749	39,765	36,970	33,884	31,948
Costs (in thousand CZK)	1,232,334	1,155,996	1,103,050	1,048,150	1,008,466	969,076
Decline-based:						
Number of beneficiaries	1,535	1,266	1,149	1,172	1,136	1,074
Costs (in thousand CZK)	33,201	25,928	22,268	23,617	22,424	19,524

Tab. 1 Development of the total costs and the number of beneficiaries of social and health reimbursements (SHR) 2001-2006

Tab. 2 Development of the total costs and the number of beneficiaries of social and health reimbursements (SHR) 2007-2012

SHR	2007	2008	2009	2010	2011	2012
Mandatory:						
Number of beneficiaries	29,357	27,597	25,602	23,599	21,590	19,597
Costs (in thousand CZK)	943,505	874,045	815,960	737,188	673,428	620,500
Decline-based:						
Number of beneficiaries	978	876	833	743	662	578
Costs (in thousand CZK)	18,924	16,345	16,289	13,789	11,719	11,340

Due to the nature and length of time of payment of benefits it is assumed that their costs will decrease in the coming years, as evidenced by the following charts 1, 2, 3, 4 prepared on the basis of actual data on the various social and health reimbursements paid in the years 2001 to 2012.

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3 ANALYSIS OF SOCIAL AND HEALTH REIMBURSEMENTS

As already mentioned, in 2002, the founder of state-owned enterprises (MIT) divided the social and health benefits for miners into two major groups.

3.1. Mandatory compensations

Also known as **major social and health reimbursements** whose structure is determined by the mentioned Act No. 154/2002 Coll., on temporary financing of certain social and health benefits for miners, the entitlement for which occurred to 31 December 1992, are financed from the state budget.

• Compensation for loss of earnings (the so-called allowance) and the compensation for damage admitted to employees for occupational disease or work-related injury

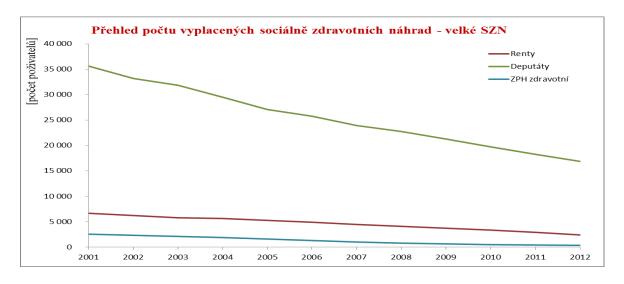
It is governed by Labour Code - Act No. 65/1965 Coll., as amended. [8] It is the largest volume of all paid benefits. The compensation under Article 195 is provided to employees in such amount so that, together with their earnings after an accident at work or occupational disease, plus any disability allowance granted for the same reason, it is equal to the average earnings before the damage occurred. Furthermore, this includes reimbursements for nutrition of survivors (Article 199), for which the employee who died due to an accident at work or occupational disease, provided nutrition, as well as reimbursements for expenses incurred from medical treatment (Articles 196-198 of Labour Code) which are not already paid by a health insurance company (e.g. curative rehabilitation stays, payments for medications, etc.). In case of death of the reported occupational disease a widow's allowance and expenses incurred for the funeral shall be paid. In addition, the consequences of accidents at work and occupational diseases shall be paid, thus damages for pain and suffering, and social impairment and damage to property to former political prisoners who worked in uranium mining. The allowance is provided monthly until granting the old age pension, up to 65 years maximum. In 2012, there were 2,420 beneficiaries of the allowance, the projected overall costs in this year amounted to CZK 570,000 thousand.

• Special benefit for miners (health)

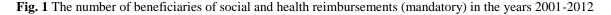
Granted to employees fired on health grounds pursuant to Decree No. 19/1991 Coll., on the job placement and material welfare of workers in mining, incapable of previous work on a long-term basis [9], followed by Act No. 98/1987 Coll., on the special benefit for miners as amended by Act No. 160/1989 Coll. [10] The employee, who after the HPE or threat or occupational disease was transferred to another job or stopped working, but is employed, has the right to it. It is paid monthly, up to the age of 60, or granting a retirement or disability pension. In 2012, 317 beneficiaries drew health special benefit form miners (SBM); the projected overall costs were CZK 620,500 thousand.

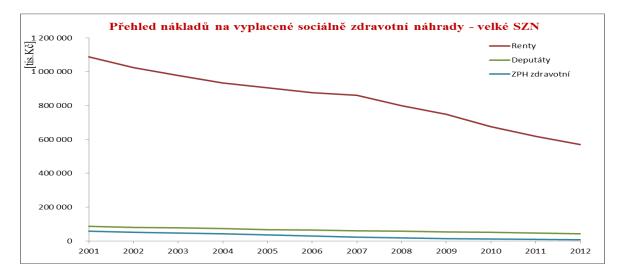
• Allotment of coal and wood

For pensioners, widows and fired staff for health reasons, according to Decree of the Federal Ministry of Fuel and Energy of 13 January 1990 No. 1/1990, on allotment of coal and wood, reg. under Act No. 59/1990 Coll. [11], in the amount of unvalorized financial performance at a level of actual disbursements in 1992, the entitlement to which incurred on 16 January 1992. Allotment of coal and wood was not provided in the uranium mining. In the state enterprise DIAMO, this benefit had been paid until 2001, when there was a takeover of Jihomoravské lignitové doly Hodonín (South Moravian Lignite Mines Hodonín), taken over from the state enterprise Rudné doly (Ore Mines). Other substantial increase in the number of beneficiaries occurred after taking over the Barbora Social Centre of OKD Ostrava, a.s. as of 1 January 2004. In 2012, 16,860 beneficiaries drew the allotments; the projected overall costs were CZK 42,500 thousand.



An overview of the number of paid out social and health reimbursements - major SHR Number of beneficiaries Allowances Allotments health SBM





An overview of costs on paid out social and health reimbursements - major SHR Thousand CZK Allowances Allotments health SBM



Forecasts elaborated by the headquarters of the enterprise DIAMO s. p. based in Stráž pod Ralskem, according to the age of beneficiaries, type of work and other practice-verifiable data, suggest that a sharp decline in the number of beneficiaries of mandatory compensations will have occurred by about the year 2015, the complete termination of payment of the special health benefit for miners – by 2025, compensations of accidents at work, occupational diseases and allotments by the year 2035.

3.2. Decline-based compensations

Being denoted also as **minor social and health reimbursements**, they relate to the implementation of downturn and restructuring of coal, ore and uranium mining, paid according to Government Resolution No. 429/1993, further No. 9113/1999, which was then replaced by Government Resolution No. 1128/2003, on the

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Volume LIX (2013), No.1 p. 21-29, ISSN 1802-5420 programme for completion of the restructuring of coal mining. [7] The right to them arose after 1 January 1993. As shown in Tables 1 and 2, they are lower by volume (allowances are not included yet - since 1993 the beneficiaries have been being paid from Kooperativa). The source of funding is once again the state budget.

• Severance pay (decline-based)

According to Article 67, for reasons referred to in Article 52, letter a) to c) of Act No. 262/2006 Coll., Labour Code, or by agreement for the same reasons (i.e. organizational reasons), payable in the amount of three times the average monthly salary paid upon the termination of employment. [8] In 2012, four employees were fired, the cost of severance payments amounted to CZK 670 thousand.

• Severance pay (health)

According to Article 67, on the grounds referred to in Article 52, letter d), Labour Code (health reasons or achievement of HPE), payable in the amount of twelve times the average salary paid upon the termination of employment. [8] In 2012, two employees were fired; the cost amounted to CZK 800 thousand. In the period of 2008-2011, such an entitlement did not arise.

• Special benefit for miners (decline-based)

According to Article 2(4) of Act No. 98/1987 Coll., on the special benefit for miners provided in connection with the implementation of the decline programme [12]. The entitlement occurs to an employee who went from the work underground to the work outside the underground. It is a short-term benefit provided according to the length of service underground, for up to 30 months. From the year 2009 to present, such entitlement did not arise.

• Special benefit for miners (health)

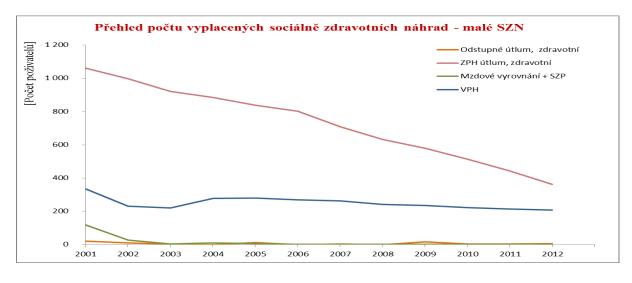
Granted to employees pursuant to Article 2(1 to 3) of Act No. 98/1987 Coll., on the special benefit for miners, as amended by Act No. 160/1989 Coll., the entitlement for which arose after 1 January 1993. [12]. The conditions for its payment are the same as in the previous case. In 201, this benefit was paid to 363 beneficiaries, the cost of its payment amounted to CZK 9,000 thousand.

• Wage compensation, or supplement to average earnings

According to Decree No. 19/1991 Coll., on the job placement and material welfare of workers incapable of previous work on a long-term basis – entitlements occurred on 30 November 2003 in the meaning of Decree No. 405/2003 Coll., which repealed Decree No. 19/1991 Coll., including relevant transfer payments of social insurance and health insurance in compliance with Act No. 589/1992 Coll. and Act No. 592/1992 Coll., as amended. [13], [14], [15] It is paid monthly until the admission of old age pension. From the year 2006 to the present, it is paid only to one former employee (monthly – until the admission of old age pension).

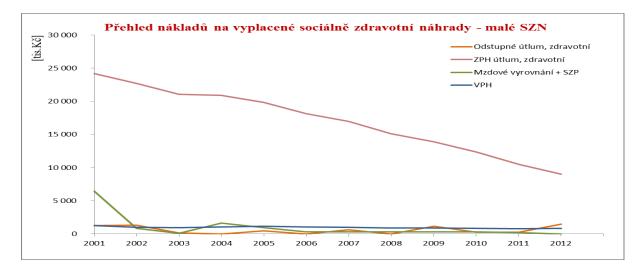
• Loyalty bonus for miners

According to Act No. 62/1983 Coll., on loyalty bonus for miners and Government Regulation No. 67/1983 Coll., on implementing the act on loyalty bonus for miners. [16] It is paid annually on the "Day of miners" to those employees who perform or performed mining activities in mining operations. Most of the payments are in the so-called "stop state", they do not increase any more, and new entitlements to them arise only in a limited way. In 2012, 208 employees received the bonus, the total cost amounted to CZK 850 thousand.



An overview of the number of paid out social and health reimbursements - minor SHR Number of beneficiaries SBM (decline, health) Wage compensation - SHW LBM

Fig. 3 The number of beneficiaries of social and health reimbursements (decline-based) in the years 2001-2012



An overview of costs on paid out social and health reimbursements - minor SHR Thousand CZK SBM (decline, health) Wage compensation - SHW LBM

Fig. 4 Total cost of social and health reimbursements (decline-based, health) in the years 2001-2012

According to forecasts worked out by the headquarters of the enterprise DIAMO s.p., the payment of special benefit for miners, for which the entitlement occurred after 31 December 1992, will have been terminated by the year 2040.

4 CONCLUSION

The decline of mining induced by the change in economic conditions is not a problem just in the Czech Republic. Coal mining in Western Europe has begun to decrease since around 1960, and the decline continues to this day. Mainly German, French, English and Belgian mining, the most advanced in terms of capacity and used technology, along with smaller deposits in Spain and Italy, decreased their annual production outputs by tens to hundreds millions of tons. To prevent social and political impacts, the governments of the countries adopted the system of measures with significant financial subsidies on the part of the state.

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Volume LIX (2013), No.1 p. 21-29, ISSN 1802-5420 In all these economically developed countries with well-developed coal industry, the governments organized and managed the process of decline and addressing the consequences, either directly or through state organizations, regardless of whether the coal industry was in public or private ownership.

The strategic goal of the decline programme for mining in CR was mainly the completion of mining operations in unprofitable locations, removal of the effects of mining and technical disposal of mine workings, i.e. putting the landscape into a similar condition as prior to mining, in compliance with all legal conditions (such as mining and environmental ones). From material, temporal, financial points of view, the decline procedure is developed in the "Technical and social projects of disposal of declined sites" being updated at least once every five years. Projects for the decline of a certain site are proposed by grant recipients and approved by the MIT CR.

Duration of the whole process and also its financial demands were at least initially affected by the fact that MIT CR had no clear and realistic concept of restructuring the coal industry, and therefore the original assumptions on its termination proved to be unrealistic. Only after 1998, the entire process was conceived as a long-term matter and individual procedures governing the participation of the national budget in the decline of mining were determined, specified and detailed. The completion of the entire process of mining decline is very expensive and will take many decades. Its anticipated end is still estimated by 2040 or 2050 and will cost at least another CZK 130 billion.

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RESUME

Předložený článek se zabývá analýzou jednotlivých sociálně zdravotních náhrad pro bývalé a současné zaměstnance hornických provozů v souvislosti s útlumem uranového, rudného a uhelného hornictví v ČR. Nezbytnou součástí bylo provedení analýzy veškeré legislativy, upravující dané téma. Následují přehledné grafy, které byly zpracovány na základě reálných údajů, získaných z interních podkladů podniku DIAMO s. p. Grafy vypovídají o vývoji počtu poživatelů všech druhů poskytovaných mandatorních i útlumových sociálně zdravotních náhrad ve sledovaném období 2001-2012, včetně celkových nákladů, financovaných formou čerpání dotací ze státního rozpočtu. Je z nich dále patrná neustálá tendence klesání jednotlivých vyplácených dávek v čase. Prognóza vývoje sledovaných ukazatelů, zpracovaná na základě věku příjemců dávek, druhu práce a dalších praxí ověřitelných údajů potvrzuje, že k prudkému poklesu počtu příjemců mandatorních dávek dojde kolem roku 2015, k úplnému ukončení výplaty zvláštního příspěvku horníkům zdravotního do roku 2025, k odškodnění pracovních úrazů, nemoci z povolání a deputátů do roku 2035. Výplata zvláštního příspěvku horníkům, na který vznikl nárok po 31. 12. 1992, skončí do roku 2040. Dokončení celého procesu útlumu hornictví je finančně velice náročné a bude trvat ještě řadu desítek let. Jeho předpokládaný konec je zatím odhadován do roku 2040, resp. 2050 a bude stát nejméně dalších 130 mld. Kč, z toho 37,2 mld. Kč by měly činit náklady na sociálně zdravotní zabezpečení horníků.