

## Study on ACT on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents and Improvement of Safety Insurance for **Farmers**

Woong Cheon Yoo<sup>1+</sup>

<sup>1</sup>Department of Crisisonomy, Chungbuk National University, 1 Chungdae-ro, Seowon-Gu, Cheongju, Chungbuk, Korea

#### ABSTRACT

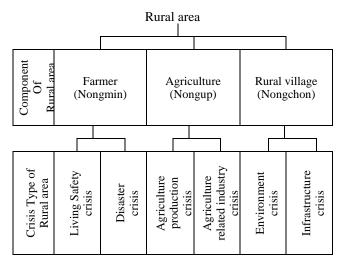
The Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents and safety insurance for farmers have been developed based on the cooperation of various related organizations. However, various problems have been drawn in the operation of the law and insurance system. First, due to the nature of policy insurance entrusted to the private sector, reverse selection and moral hazard problems occurred due to information asymmetry, and the difference in the real burden ratio of policyholders depending on the subscription area caused regional equity problems. Second, the law stipulates causeism, but it is operated as enumerationism through the enforcement ordinance of the law and insurance terms and conditions. In terms of national coffers, insurance payments can be a burden without judging the relationship between agricultural work and injury, and farmers may not be guaranteed if they are not in the disaster list even though they are related to work. Third, there is no separate council on safety insurance for farmers, and there was also a lack of organization and interest in safety insurance for farmers within the Nonghyup. The improvement measures were to strengthen safety insurance for farmers as social security-type policy insurance, integrate safety insurance for farmers(personal) and agricultural disaster insurance(object), separate agriculture and fishing, and launch a comprehensive safety agency in the agricultural sector.

Key words: Famer, work accident in agriculture, safety Insurance for farmers, crisis in rural area

## I. Introduction

It is no longer difficult to hear and encounter crises in rural areas such as regional extinction, rural disaster vulnerability, and food security crisis. In fact, discussions on each phenomenon are taking place in each field. However, it focused on one-sided phenomena. Efforts to systematically derive where the crisis in rural areas originated and what kind it is were insufficient. This means that the crisis in rural areas was managed by being buried in one-sided characteristics, and that it was not a comprehensive crisis management. In the past, this researcher derived the crisis in rural areas as follows based on this awareness of the problem (Woong Cheon Yoo et al, 2021) <sup>1</sup>

<sup>&</sup>lt;sup>1</sup> In the original text of the paper, it was specified as a disaster, not crisis, for reasons of translation and acceptance



<figure 1> Rural crisis type

Samnong, a component of rural areas, derived crisis types in rural areas by each component, with "farmer(Nongmin)" representing demographic characteristics, "agriculture(Nongup)" representing industrial economic characteristics, and "rural village(Nongchon)" representing environmental characteristics.

In this situation, the Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents was enacted in 2015. because there are blind spots where industrial accident insurance cannot protect small farming and fishing workplaces. Although the law and safety insurance for farmers have been improved through several revisions since its enactment, it is true that there are some areas that need to be improved, such as the insurance coverage rate of 60% and the situation that is entrusted to the private sector for practical reasons.

Therefore, this study aims to analyze the Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents related to the agricultural production crisis and discuss ways to improve safety Insurance for farmers based on the act. <sup>2</sup>

## II. Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents & safety Insurance for farmers

The rate of accident in agriculture is higher than in other industrial groups. According to the Ministry of Employment and Labor(as of December 2021), the average disaster rate of all industrial groups is 0.63% while the agricultural sector is relatively high at 0.85% and the death rate is also 1.07‰, while the agricultural sector is 1.39‰.(Ministry Of Employment and Labor. 2022).

In fact, the status of industrial accidents is a figure for agricultural management companies that have subscribed to industrial accident insurance as of 2021. In other words, the figure is for some farmers(78,999) targeting agricultural businesses with five or more full-time workers protected by

industrial accidents. Considering the small-scale farmers who are excluded from this figure, the actual disaster rate of agriculture is expected to be even higher. In fact, according to the National Statistical Office's survey on agriculture, forestry and fisheries, the total number of farms in Korea was 1,035,193 as of 2020, and the number of farmers was 2.314.064. (National Statistical Office. 2021). The majority of agricultural workers are not protected by industrial accident insurance. According to the International Labor Organization, agriculture is the industry with the highest risk for industrial accidents, and data from the U.S. Bureau of Statistics show that the risk of agriculture, forestry, and fisheries is high along with mining (Rural Development Administration, 2014). In addition, according to the results of the survey on damage to farmers' work, 66.4% recognized that agricultural activities were dangerous(30.4%) and slightly dangerous(36.0%) (Rural Development Administration, 2022).

With agriculture at higher risk than other industries and no legal protection for work safety accidents for small and self-employed agricultural workers, the Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents was enacted along with the fishing sector and has been revised several times.

## 1. Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents

Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents consists of five specialized chapters and 25 articles, and consists of enforcement ordinances and enforcement regulations. Matters concerning the safety insurance of farmers and fishers and the prevention of safety disasters were stipulated to compensate for injuries, diseases, disabilities, or deaths of farmers and fishers caused by agricultural and fishing work.

Article 3(Administration of Insurance Business) stipulates that matters related to safety Insurance for farmers are in charge of the Minister of Agriculture, Food and Rural Affairs, and matters related to safety Insurance for fishers are in charge of the Minister of Ocean and Fisheries. Article 4 (Financial Support from the State and Others) stipulates that the state and local governments can support insurance premiums for policyholders. Article 5 (Deliberation on Insurance Services) stipulates that projects related to safety Insurance for farmers and fishers shall be deliberated by the Agricultural and Fishery Disaster Insurance Council under Article 3 of the Agricultural and Fishery Insurance Act. Article 7 (Insurance

<sup>&</sup>lt;sup>2</sup> There are two reasons why the Act on Safety insurance for Famers and Fishers and Prevention of Work Accidents are classified as an agricultural crisis, not a farmer. First in the relevant model, farmers are not simply farmers engaged in agriculture, but all who live in rural areas, and second, the law and insurance presuppose a relationship between work and safety disasters

Business Entities) stipulated that the insurance company and the Fisheries Cooperative Federation could conduct a safety insurance business for farmers and fishers, and stipulated that the business should be concluded with the Minister of Agriculture, Food and Rural Affairs and the Minister of Oceans and Fisheries. Article 8 (Criteria for Recognizing Work Accidents in Agriculture or Fisheries) stipulates that accidents and related diseases related to farming and fishing work are recognized as safety accidents, and specific criteria for recognition and related diseases are prescribed by Presidential Decree. Article 9 (Types of Insurance Benefits) lists the insurances that can be covered through insurance Article 16 (Establishment of Plans for Prevention of Work Accidents in Agriculture or Fisheries) stipulates that each minister in charge shall establish a master plan for the prevention of safety accidents in agriculture and fisheries. Article 21 (Legal Fiction as Public Officials for Purposes of Applying Penalty Provisions) stipulates that when engaging in insurance business under this Act, the executives and employees shall be punished according to public officials(Ministry Legislation. 2021).

## 2. Safety Insurance for farmers

#### - Main Contents of safety Insurance for farmers

Currently, safety insurance for farmers is operated by signing an agreement between NH Life Insurance and the Ministry of Agriculture, Food and Rural Affairs. The main contents can be found through product descriptions and insurance terms and conditions on the NH Life Insurance website. The insurance period and the payment period shall be one year, and shall be paid once. The subscription age is 15 to 84 years old and can be registered up to 87 years old depending on the product type(type 1). In the case of insurance premiums, a single premium is applied regardless of gender and age, and in the case of married couples, it is twice as much as personal insurance premiums. In addition, the state supports 50% of each product insurance premium. Depending on the composition of the product, there are four general types 1-3 and industrial accidents, and the details of the coverage and insurance premiums can be referred to the respective terms and conditions and NH Life Insurance website(NH Life Insurance, 2022).

## - Operational status of safety Insurance for farmers

Safety Insurance for farmers has the nature of policy insurance, but is operated by insurance

companies(NH Life Insurance). Each related institution shares its role and establishes and operates a cooperative system. The Ministry of Agriculture, Food and Rural Affairs is in charge of safety Insurance for farmers project, and the Agricultural Policy Insurance Financial Services Agency manages that. In addition, the insurance business operator (NH Life Insurance) operates the insurance business based on an agreement signed with the Minister of Agriculture, Food and Rural Affairs(MAFRA, 2021).

About 875,000 people subscribed to farmers' safety insurance (65.2% of the 1,341,000 economically active population in the agricultural industry). This is an increase in the number of subscribers and subscription rate compared to the previous year (as of 2020).

(Unit: people, %)

	2019		2020		In-	Rate of	
classifica- tion	Target Num- ber of people (A)	number of sub- scribers (B)	Target number of people (C)	Number of sub- scribers (D)	crease/ De- crease (E=D- B)	in- crease/ De- crease (E/B)	Subscrip- tion Rate (D/C)
Type1		596,916		590,597	∆6,31 9	△1,1	44.0
Type2		83,384	1,341,0 00	96,153	12,769	15.3	7.2
Type3	1,305,5	779		4,032	3,253	417,6	0.3
Industrial Accident type		412,642		167,374	24,732	17.3	12.5
Agricul- tural Workers		21,616		16,425	△5,19 1	△24.0	1.2
Total		845,337	-	874,581	29,244	3.5	65.2

Table 1. safety Insurance for farmers composition and payment details by benefit (MAFRA, 2021)

The status of safety Insurance for farmers subscriptions, loss rates, and budget execution performance from 2016 to 2020, when Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents was enforced, are summarized as follows(MAFRA, 2021).

(Unit: 1,000people, 1,000case, One million won)

		subscription			Loss ratio			Budget execution		
	clas- sifi- cati- on	Active popula- tion agri- culture	Esti- mated number of insured	Sub- scrip- tion rate (%)	Risk in- suran ce pre- mium	In- suranc e mon- ey paid	A loss ratio (%) <sup>3</sup>	Plann ed in budg- et	exe- cuted	Exe- cut- ed/pla nned (%)
	2016	1,340	744	55.5	70,1 98	47,7 25	68.0	55,0 61	41,2 04	74.8
	2017	1,307	710	54.3	66,1 85	54,4 84	79.3	46,6 10	39,7 00	85.8
	2018	1,274	807	63.3	73,2 48	63,3 19	89.2	45,8 45	42,5 75	92.9
	2019	1,306	845	64.8	79,8 29	78,0 29	97.7	50,6 82	47,0 02	92.7
	2020	1,341	875	65.2	88,8 82	80,2 73	90.3	51,7 12	51,7 12	100

Table 2. safety Insurance for farmers subscription, loss ratio, and budget execution status (2016-2020)  $\,$ 

<sup>&</sup>lt;sup>3</sup> The loss rate is a representative factor that determines the operation balance of an insurance company, and if the actual loss rate is higher than the scheduled loss rate, it will suffer a deficit, and if the actual loss rate is low, it will record a surplus(Korea Economic Daily, 2021)

Safety Insurance for farmers has policy insurance characteristics, so it is specified in the relevant law that 50% of insurance premiums are supported by the state and a certain percentage by local governments (Article 4). In fact, not only the state and local governments, but also Nonghyup supports it, and insurance subscribers pay about 10% of the insurance premium. However, the support ratio at each local government and Nonghyup is different, so the individual burden ratio varies from region to region. Jeju Island is the metropolitan government with the least personal burden, and Chungbuk is the metropolitan government with the most personal burden. The details are as follows(MAFRA, 2021).

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Classification	state	Metropolitan municipality	Basic municipalty	Nong Hyup	Own
Average	49.3	7.6	18.8	14.1	10.2
Seoul	41.4	0.6	-	55.0	2.9
Busan	49.7	13.7	13.5	16.4	6.7
Daegu	49.7	4.7	13.9	23.9	7.8
Incheon	49.0	9.3	9.3	21.0	11.4
Gwangju	48.4	6.3	6.3	24.8	14.3
Daejeon	49.1	14.7	14.7	11.7	9.7
Ulsan	49.8	14.9	14.9	13.8	6.7
Sejong	49.7	29.8	-	16.0	4.5
Gyeonggi	48.6	10.6	25.0	10.2	5.6
Gangwon	49.5	10.4	24.6	11.7	3.8
Chungbuk	49.4	4.9	11.5	17.2	17.0
Chungnam	49.6	7.4	18.3	18.0	6.7
Jeonbuk	49.7	8.9	26.5	8.5	6.4
Jeonnam	49.0	7.2	17.7	9.2	16.9
Gyeongbuk	49.1	5.8	15.7	13.0	16.4
Gyeongnam	49.4	6.9	14.6	20.0	9.2
Jeju	49.7	-	24.8	22.6	2.8
Online	38.7	-	-	-	61.3

Table 3. Support ratio and subscriber burden ratio for safety Insurance for farmers

## **Ⅲ.** Related Issues

Through various efforts, safety Insurance for farmers was included in the institutional sphere in policy. By securing support from the state and local governments, the detailed contents have also developed a direction of strengthening security. However, it is true that there are several issues related to the law and insurance system. In this chapter, we will look at the issues related at Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents and safety Insurance for farmers

1. policy insurance, which is entrusted to the private sector

Safety Insurance for farmers is supervised by the Ministry of Agriculture, Food and Rural Affairs and entrusted to the private sector (NH Life Insurance). Many parts of the form of insurance have the characteristics of policy insurance. First,

while ordinary insurance judges individual risks and calculates premiums, safety Insurance for farmers has the same premiums regardless of gender or age. Second, insurance money is provided for countries, local governments, and Nonghyup. On average, subscribers only pay about 10% of the insurance premium. Third, it can also be seen that the loss ratio, which represents the payment insurance against the risk insurance premium, is relatively higher than that of private-run insurance. Finally, according to Article 21 of the Act (Legal Fiction as Public Officials for Purposes of Applying Penalty Provisions), it is also a characteristic that it is specified that the responsibility of those engaged in safety Insurance for farmers can be held in accordance with public officials.

Problems arising from the unique structure entrusted to the private sector include, first, reverse selection due to information asymmetry and moral hazard problems. Since subscribers with a high risk probability are more advantageous than low-risk subscribers because they require the same insurance premium to anyone regardless of the risk, and eventually insurance is mainly purchased by high-risk subscribers. As this is repeated, the problem of reverse selection that prevents social security functions from being expected arises(Kim Jinsoo et al, 2021). In fact, if you look at the NH Life Insurance website, you can see that the subscription rate of the elderly (40s: 14%, 50s: 43%, and 60s over: 43%), which can be classified as a high-risk group<sup>4</sup>. Even considering the large number of elderly people due to the nature of the human composition of farmers, it is necessary to supplement the recent policy stance of youth agriculture. In addition, paying the same premium regardless of the insurance policyholder's accident prevention efforts causes the possibility of moral harm to the policyholder. Second, policy insurance plays a role in reverse redistribution of wealth and real insurance primiums vary depending on the subscription area. Farmers' safety insurance is the same as insurance premiums for all subscribers, and the subscription rate is limited even though the state or local governments provide an average of 90 percent of insurance premiums. It does not take into account the ability of farmers to pay, and this results in government support leading to reverse redistribution. While those with relatively economic capacity join the system and receive state support, those with low economic capacity do not join and do not receive support(Kim Jinsoo et al, 2017). In addition, the difference in the actual burden ratio of insurance premiums for policyholders depending on the region causes a

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<sup>&</sup>lt;sup>4</sup> NH Life Insurance Website

problem of equity between regions. The average ratio of insurance premiums paid by policyholders in safety insurance for farmers appears to be 10%. This is because on average, about 50% of the state, about 8% of the metropolitan government, about 18% of the basic government, and about 14% of the Nonghyup are supported. However, depending on the region, Jeju Island subscribers have a 2.8% self-payment ratio, while Chungbuk subscribers have a 17.0% self-payment ratio. There is a difference of about 14% depending on the region<sup>5</sup>. In fact, in areas where support from local governments was activated, 100% of the members joined in connection with the Nonghyup's return project(Lee Jeong-won, 2018).

#### 2. Causeism and Enumerationism

Article 1 (Purpose) of Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents stipulates the Causeism that disasters should occur during farming and fishing operations. This is because the Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents was designed in accordance with industrial accident insurance. However, the enforcement ordinance changed causeism to enumerationism by specifying specific recognition criteria and the types of related diseases. In fact, agricultural accidents and diseases are listed in the terms and conditions of safety Insurance for farmers.(Lee Jeong-won, 2018). Unlike industrial accidents, this is seen because there is no committee to judge the relationship between agricultural work and agricultural diseases. The problem caused by this is that enumerationism can burden the national treasury. There is a concern that insurance money may be paid indiscriminately without judging the relationship between disaster and agricultural work. In addition, from the perspective of farmers, enumerationism may not be guaranteed if work-related disasters are not in the disaster list(Kim Jinsoo et al, 2017).

### 3. Matters concerning the operation of insurance

Article 5 of Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents stipulated that matters related to safety Insurance for farmers should be deliberated at the Agricultural Disaster Insurance Council under Article 3 of the Agricultural and Fishery Insurance Act. Safety Insurance for farmers is a problem related to farmers, and Agricultural Disaster Insurance is a matter related to crops, and its characteristics are quite different. However, these

<sup>5</sup> Refer to Table 3. Support ratio and subscriber burden ratio for safety Insurance for farmers

insurance policies are deliberated as one. The composition of the Agricultural Disaster Insurance Council consists of a total of 21 people, including 7 ex officio members and 14 commissioned members. 7 people ex officio members are Public Officials. The 14 commissioned members are 4 persons from related institutions and organizations, including the Agricultural Policy Insurance Finance Agency, 4 person insurance company officials, including Nonghyup Insurance, 3 person academic experts(Korean Journal of Agriculture and Fishermen, 2020). Ex officio public officials and representatives of farmers' organizations can deliberate on the two contents together, but farmers' safety insurance should be reviewed by separate experts such as safety, health, occupational environment, and medical care. However, the simultaneous deliberation of two insurance policies with different characteristics as a damage assessment expert raises concerns about expertise.

In addition, in the Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents, the agricultural sector is divided into the Ministry of Agriculture, Food and Rural Affairs and the Ministry of Oceans and Fisheries in the fishing sector, and the general management of each insurance is separately managed by each ministry. Insurance managed also divides agriculture and fishing, and safety accident standards and related diseases are also specified by dividing agriculture and fishing. It can be said that it is an effort to melt two industries with different characteristics, but it is questionable whether it is valid.

Finally, there is a lack of interest in safety Insurance for farmers system or investment at the human and organizational level within the Nonghyup. In fact, as of 2018, the organization related to safety Insurance for farmers in Nonghyup Life Insurance remains in the organization composition before 2012. Although a systematic organization plan is underway through the establishment of the policy insurance department in 2018, it is still in the preparation stage(Lee Jeong-won. 2018). There was an opinion that it was necessary to reinforce the organizations and personnel in NH Life Insurance and Nonghyup.

### IV. Improvement plan

1. Strengthening the Social Security Type and Policy Insurance Characteristics

The current system through agreements with private insurance should be improved in the direction of strengthening the characteristics of social security-type and state-led policy insurance. This includes changing the current form of voluntary subscription to the form of compulsory subscription by safety Insurance for farmers and eliminating regional differences in insurance premium support. In fact, at the time of legislation, there was an opinion that it should be based on natural subscription under the principle of social security as a compulsory insurance rather than voluntary subscription.(Kim Jinsoo et al, 2014). In fact, in the bill proposed by lawmaker Hwang Young-chul on June 22, 2012, the social security method of compulsory and mandatory subscription was adopted(Kim Youngmun, 2015). However, it could not be reflected due to concerns that it could be a burden on the national finances and the absence of a specialized management institution, and it was enacted as it is now entrusted to the private sector. As a result, the problem of reverse selection and moral hazard due to information asymmetry, the reverse of wealth redistribution for the same insurance premiums without considering the ability of policyholders, and the difference in support amount depending on the subscription area caused a problem of equity between regions. In the current safety insurance for farmers, it is necessary to strengthen the characteristics of social security and policy insurance, and to improve it to a compulsory subscription system rather than voluntary subscription..

# 2. Separating and integrating the laws of two families

The Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents contains information on farmers and fishers, and the Agricultural and Fishery Insurance Act contains information on crops and fish. Each law is divided into agriculture and fisheries and Ministry of Agriculture, Food and Rural Affairs and Minister of Oceans and Fisheries. The whole field is divided into agriculture and fishing. It may be more efficient to reorganize the two laws into a law that governs the persons and objects of the agricultural sector and a law that governs the persons and objects of the fishing sector. For example, law's name is the Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents but in fact, the contents of prevention of work accidents need to be supplemented. Considering this, there is a need to reorganize the legal system and management system.

### 3. Establishment of a specialized institution

Currently, safety Insurance for farmers is entrusted to NH life insurance. However, there is a lack of interest insafety Insurance for farmers in Nonghyup and There is a concern about the loss of the national treasury as it adopts enumerationism a separate judgment committee. Accordingly, if we maintain the position that the nature of policy insurance should be strengthened, we should now consider how to operate an agricultural safety specialized institution that encompasses agricultural disasters and farmers' safety disasters. Some are concerned about the financial burden of operating separate institutions. However, it may be efficient to pay insurance money after determining the relationship between agricultural safety accidents and agricultural work through the judgment committee. In addition, it should be kept in mind that the launch of comprehensive safety specialized institutions in the agricultural sector, has several net fuctions such as arious research and analysis on the prevention of farmers' safety disasters as well as the insurance system, and policy alternatives

#### V. Conclusion

Agriculture is classified as a relatively dangerous industry compared to other industrial sectors, and the Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents was enacted to establish a legal safety net for small farmers who were not covered by existing industrial accident insurance. And it has developed based on cooperation with various related organizations. But there was also an issues. First, the nature of policy insurance, which is commissioned and operated by the private sector, has caused moral hazard and reverse selection problems, and the same premium, regardless of income level, is a retrogressive way of redistributing wealth, The problem of different real insurance primium depending on the subscription area showed equity issues. Second, by adopting enumerationism in the enforcement ordinance and insurance terms and conditions, it may be borne by the national treasury, such as paying insurance money without judging the relevance of agricultural work and From the perspective of farmers, there is a problem that work-related disasters may not be guaranteed if they are not in the disaster list. Third, there was a problem with the operation of the insurance system. There is no separate deliberation council for safety Insurance for farmers, Although there is only one law, the competent ministries are divided into agriculture and fishing, and there is virtually no sharing, It can be pointed out that the organization and interest in

safety Insurance for farmers in Nonghyup are insufficient.

Therefore, the improvement plan is to strengthen the characteristics of safety Insurance for farmers as social security policy insurance, The integration of Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents and athe Agricultural and Fishery Insurance Act, which are divided into individuals and objects and Separation of agriculture and fisheries, Finally, the establishment of an agricultural safety specialized institution was presented.

Crisis management is a "process of trying to respect and implement human dignity" (Lee Jae Eun, 2018). Human dignity is worth its existence just because it is a human being, and should be respected regardless of the region in which it lives. I hope that this study will be of little help to arouse interest in the crisis in rural areas

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Rural Development Administration(www.rda.go.kr)

Profile

Woong Cheon Yoo (2160232@ekr.or.kr)

He is a doctoral course student of Department of Crisisonomy, Chungbuk National University since 2019. Currently he is working as an assistant manager of Korea Rural Community Corporation. His interesting areas of research are farmer, agriculture, rural village, rural cisis and rural crisis management