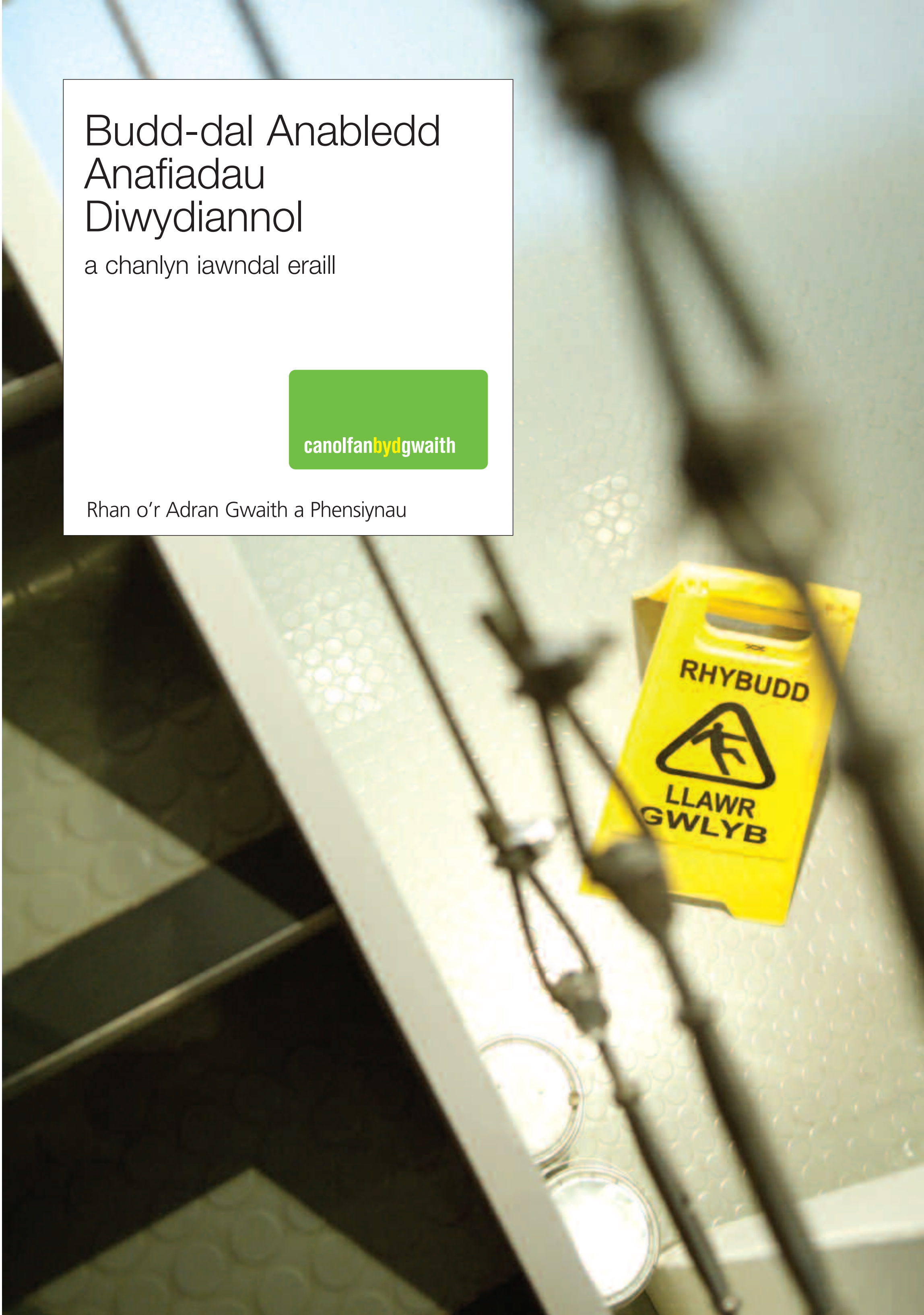
Budd-dal Anabledd Anafiadau Diwydiannol

a chanlyn iawndal eraill

canolfanbydgwaith

Rhan o'r Adran Gwaith a Phensiynau



Canllaw cyffredinol yn unig yw'r daflen hon ac nid yw'n cwmpasu pob amgylchiad. Rydym wedi ceisio sicrhau bod y wybodaeth yn y daflen hon yn gywir o fis Chwefror 2010.

Mae'n bosibl y bydd rhywfaint o'r wybodaeth wedi'i gorsymleiddio, neu'n dod yn llai cywir dros amser, er enghraifft, o ganlyniad i newidiadau i'r gyfraith.

Cynnwys

Beth yw Budd-dal Anabledd Anafiadau Diwydiannol? 4

A allaf gael Budd-dal Anabledd Anafiadau Diwydiannol? 6

Mathau eraill o help sydd ar gael 7

Lwfans Enillion Is 7

Lwfans Ymddeol 7

Lwfans Gweini Cyson 7

Lwfans Anabledd Difrifol Eithriadol 7

Sut y dylwn wneud cais? 8

Pryd a sut y dylwn wneud cais? 8

Gwaith a wnaed cyn 1948........................9

Gwaith a wnaed fel gweithiwr dan hyfforddiant 9

Sut y penderfynir ar hawliadau? 10

Faint y gallaf ei gael 10

Sut y caf fy nhalu?...................................10

A fydd Budd-dal Anabledd Anafiadau Diwydiannol yn effeithio ar fy mudd-daliadau eraill? 11

Cynlluniau iawndal 12

Cynllun Deddf Niwmoconiosis ac ati (Iawndal Gweithwyr) 1979 12

Y Cynllun Mesothelioma Ymledol 2008 13

Beth yw Budd-dal Anabledd Anafiadau Diwydiannol?

Arian ychwanegol yw hwn os ydych yn sâl neu'n anabl oherwydd damwain neu afiechyd a achoswyd gan waith.

Damweiniau

Rydym yn defnyddio damwain i olygu digwyddiad (neu gyfres o ddigwyddiadau) yn y gwaith nad oeddent yn fwriadol ac a arweiniodd at anaf personol.

Os cewch ddamwain yn y gwaith, dylech ddweud wrth eich cyflogwr ar unwaith - hyd yn oed os nad yw'r ddamwain yn ymddangos yn ddifrifol ar y pryd. Mae gan y rhan fwyaf o gyflogwyr lyfr damweiniau. Dylech gofnodi manylion y ddamwain yn y llyfr cyn gynted ag y gallwch.

Os na allwch roi gwybod am y ddamwain eich hun, dylech ofyn i rywun arall wneud hynny ar eich rhan.

Gallwch wneud cais ar unrhyw adeg i gael penderfyniad gennym (gweler tudalen 8) p'un a oedd eich damwain yn ddamwain ddiwydiannol. Nid yw gwneud cais am benderfyniad yn gais am fudd-dal, ond gallai fod o gymorth os byddwch yn penderfynu gwneud cais am fudd-dal yn y dyfodol oherwydd eich damwain.

Os ydych yn dioddef o'r clefyd 1, gallwch gael budd-dal os caiff eich anabledd ei asesu yn 1% neu fwy.

Os ydych yn dioddef o un o'r clefydau 2, yna cewch y budd-dal ar y raddfa uchaf o ddechrau eich cais.

Afiechydon

Cwmpesir dros 70 o afiechydon. Rhai o'r afiechydon mwyaf cyffredin yw:

- y fogfa
- broncitis cronig ac emffysema
- byddardod
- niwmoconiosis (clefyd ar yr ysgyfaint yn sgîl anadlu llwch mwynol)[1], ac
- afiechyd penodol A11 (a elwid yn flaenorol yn gyflwr y bysedd gwyn).

Asbestos-related diseases

Afiechydon sy'n gysylltiedig ag asbestos:

- niwmoconiosis (asbestosis)[1]
- mesothelioma ymledol[2]
- carsinoma sylfaenol yr ysgyfaint gydag asbestosis[2]
- carsinoma sylfaenol yr ysgyfaint heb asbestosis ond lle bu amlygiad galwedigaethol helaeth i asbestos mewn galwedigaethau penodol[2]
- tewychu pliwraidd ymledol unochrog neu ddwyochrog.

A allaf gael Budd-dal Anabledd Anafiadau Diwydiannol?

Mae'n rhaid eich bod wedi cael y clefyd o ganlyniad i wneud math arbennig o waith ar 5 Gorffennaf 1948 neu ar ôl hynny pan roeddech wedi'ch cyflogi ym Mhrydain Fawr.

Efallai y bydd angen i chi gael archwiliad Meddygol. Bydd hyn yn ein helpu i benderfynu graddau eich anabledd a pha mor hir y bydd eich anabledd yn parhau.

Ni fyddwn yn talu Budd-dal Anabledd Anafiadau Diwydiannol i chi os gwnaethoch y gwaith a'ch gwnaeth yn sâl pan oeddech yn hunan-gyflogedig, neu cyn 5 Gorffennaf 1948.

Mathau eraill o help sydd ar gael

Lwfans Enillion Is

Gallech gael Lwfans Enillion Is os:

- na allwch wneud eich swydd arferol neu waith â thâl tebyg oherwydd damwain neu afiechyd a achoswyd gan waith, a
- bod gennych salwch neu anabledd a ddechreuodd cyn 1 Hydref 1990.

Lwfans Ymddeol

Os yw eich Lwfans Enillion Is yn £2 neu fwy yr wythnos pan fyddwch yn cyrraedd oedran Pensiwn y Wladwriaeth ac nad ydych mewn cyflogaeth reolaidd, byddwn yn ei ddisodli gyda budd-dal arall, sef Lwfans Ymddeol.

Lwfans Gweini Cyson

Os ydych yn cael Budd-dal Anabledd Anafiadau Diwydiannol ar y gyfradd lawn a bod angen gofal a sylw dyddiol arnoch, gallech gael Lwfans Gweini Cyson.

Lwfans Anabledd Difrifol Eithriadol

Os cewch Lwfans Gweini Cyson ar un o'r ddwy gyfradd uwch a bod angen gofal a sylw parhaol neu gyson arnoch, gallech hefyd gael Lwfans Anabledd Difrifol Eithriadol.

Sut y dylwn wneud cais?

Pryd a sut y dylwn wneud cais?

Os credwch y gallech gael Budd-dal Anabledd Anafiadau Diwydiannol, gwnewch gais cyn gynted â phosibl.

Os byddwch yn oedi, gallech golli rhywfaint o fudd-dal.

Gwnewch gais ar unwaith os oes gennych salwch a achoswyd gan eich gwaith.

Rydym yn delio â Budd-dal Anabledd Anafiadau Diwydiannol mewn pum canolfan trafod budd-daliadau. Cysylltwch â'r ganolfan sy'n gyfrifol am yr ardal rydych yn byw ynddi i gael rhagor o wybodaeth.

Cymru
Ffôn: 0845 758 5433

Yr un yw'r rhif ffôn lle bynnag rydych yn byw: 01977 464 144

Am wybodaeth am gostau galwadau, gweler tudalen 14

Gwaith a wnaed cyn 1948

Os achoswyd eich afiechyd gan waith cyn 5 Gorffennaf 1948, cysylltwch â:

Pneumoconiosis and Workmen's Compensation Section
Barrow-in-Furness
Ffôn: 01229 842700

Gwaith a wnaed fel gweithiwr dan hyfforddiant

Os oeddech yn weithiwr dan hyfforddiant yn gwneud hyfforddiant yn seiliedig ar waith pan aethoch yn sâl, cysylltwch â:

Analogous Industrial Injuries Scheme
Castleford
Ffôn: 01977 464070

Sut y penderfynir ar hawliadau?

Gallwn gysylltu â'ch cyflogwr, os yn bosibl, i drafod pa swyddi rydych wedi'u gwneud.

Tra byddwn yn gwneud hyn efallai y byddwn yn gofyn i chi fynd i gael archwiliad meddygol. Ond os byddwn yn penderfynu nad yw'r swyddi rydych wedi'u gwneud yn bodloni'r rheolau ni fyddwch yn gallu cael Budd-dal Anabledd Anafiadau Diwydiannol.

Os byddwch yn cael archwiliad meddygol, bydd meddyg yn rhoi barn o ran p'un a oes gennych yr afiechyd a lefel eich anabledd.

Faint y gallaf ei gael?

Mae faint y gallwch ei gael yn seiliedig ar ba mor wael yw eich anabledd.

Gellir ei dalu ar ôl 15 wythnos (90 diwrnod heb gyfrif dydd Sul) o'r diwrnod cyntaf y cewch eich gwneud yn anabl gan yr afiechyd neu'r ddamwain.

Sut y caf fy nhalu?

Rydym yn talu budd-daliadau yn syth i mewn i'ch cyfrif. Dyma'r ffordd gorau i gael eich budd-dal oherwydd gallwch ddewis sut a phryd i dynnu eich arian allan o'ch cyfrif. Gall eich cyfrif fod gyda banc, cymdeithas adeiladu neu Swyddfa'r Post.

A fydd Budd-dal Anabledd Anafiadau Diwydiannol yn effeithio ar fy mudd-daliadau eraill?

Gallwch gael Budd-dal Anabledd Anafiadau Diwydiannol yn ogystal â:

- Lwfans Cyflogaeth a Chymorth sy'n seiliedig ar gyfraniadau
- Budd-dal Analluogrwydd
- Lwfans Ceisio Gwaith yn seiliedig ar gyfraniadau, neu
- Pensiwn y Wladwriaeth.

Ond gall Budd-dal Anabledd Anafiadau Diwydiannol effeithio ar eich budd-daliadau canlynol chi neu rai eich partner:

- Cymhorthdal Incwm
- Lwfans Ceisio Gwaith yn seiliedig ar incwm
- Lwfans Cyflogaeth a Chymorth sy'n gysylltiedig ag incwm
- Credyd Pensiwn
- Budd-dal Tai
- Budd-dal Treth Cyngor
- Credyd Treth Gwaith
- Credyd Treth Plant, neu
- Pensiwn Rhyfel.

Partner

Byddwn yn eich trin fel cwpl os ydych yn byw gyda'ch gŵr, gwraig neu bartner sifil, neu os ydych yn byw gyda rhywun fel pe baent yn ŵr, gwraig neu'n bartner sifil i chi. Rydym yn galw'r person arall hwn yn bartner i chi.

Cynlluniau iawndal

Cynllun Deddf Clefyd y Llwch ac ati (Iawndal Gweithwyr) 1979

Gallwn dalu cyfandaliad i chi os oes gennych un o'r afiechydon a restrir isod ac os nad ydych yn gallu cymryd camau sifil neu heb gymryd camau sifil am fod eich cyn gyflogwr wedi rhoi'r gorau i fasnachu. Yr afiechydon a gwmpesir gan y cynllun yw:

- clefyd y llwch
- byssinosis
- mesothelioma ymledol
- tewychu pliwraidd ymledol dwyochrog, a
- carsinoma sylfaenol yr ysgyfaint lle ceir asbestosis neu dewychu pliwraidd ymledol dwyochrog.

Y Cynllun Mesothelioma Ymledol 2008

Gallwn dalu cyfandaliad i chi os oes gennych mesothelioma ymledol ac na allwch gael taliad o dan gynllun 1979.

Mae'r cynllun yn cwmpasu:

- pobl ddi-waith, a
- pobl nad ydynt wedi cael yr afiechyd drwy eu cyflogaeth. (er enghraifft, os gwnaethoch olchi dillad sydd wedi'u llygru ag asbestos, neu os oeddech wedi byw ger ffatri lle defnyddiwyd asbestos).

Ni allwch gael taliad os nad oeddech yn preswylio yn y DU pan ddigwyddodd yr amlygiad i asbestos.

Os na allwch gael taliad o dan gynllun 1979 ar gyfer clefyd y llwch, byddwn yn eich ystyried yn awtomatig o dan gynllun 2008. Ni allwch gael taliad am y ddau gynllun.

I gael rhagor o wybodaeth am y ddau gynllun, cysylltwch â:

Tîm PWC
Ffôn: 0800 279 2322

Costau galwadau

Roedd y costau yn gywir ar y dyddiad sydd ar gefn y daflen hon.

Mae galwadau i rifau 0800 am ddim o linellau daear BT ond efallai y bydd yn rhaid i chi dalu os byddwch yn defnyddio cwmni ffôn arall, ffôn symudol, neu os byddwch yn ffonio o dramor.

Ni ddylai cost galwadau i rifau 0845 o linellau daear BT fod yn fwy na 4c y funud gyda thâl o 9c ar gyfer gwneud yr alwad. Efallai y bydd yn rhaid i chi dalu mwy os byddwch yn defnyddio cwmni ffôn arall, ffôn symudol, neu os byddwch yn ffonio o dramor.

Gall galwadau o ffonau symudol gostio hyd at 40c y funud, felly gofynnwch i'ch darparwr gwasanaeth am gost galwadau.

Ffonau Testun

Mae'r rhifau ffôn tesun a ddarparwn yn rhai ar gyfer pobl sy'n ei chael hi'n anodd siarad neu glywed yn glir. Os nad oes gennych ffôn testun, efallai y bydd gan ambell lyfrgell neu ganolfan cyngor ar bopeth un. Nid yw ffonau testun yn derbyn negeseuon testun o ffonau symudol.

Mae Directgov yn rhoi gwybodaeth gan adrannau llywodraeth y DU am bob math o bynciau. I gael gwybod mwy am ba fudd-daliadau y gallech fod yn gymwys i'w cael, ewch i
www.direct.gov.uk/cynghoryddbudd-daliadau

Mae'r Ganolfan Byd Gwaith yn ymroddedig i weithredu egwyddorion cyfle cyfartal yn ei rhaglenni a'i gwasanaethau.

Cynhyrchwyd gan y Ganolfan Byd Gwaith,
rhan o'r Adran Gwaith a Phensiynau

ISBN 978-1-84763-013-1
DWP1004W | f4.1 (Chwefror 2010) | v4.1 (February 2010)

Industrial Injuries Disablement Benefit

and other compensation schemes

jobcentreplus

Part of the Department for Work and Pensions

This leaflet is only a guide and does not cover every circumstance. We have done our best to make sure that the information in this leaflet is correct as of February 2010.

It is possible that some of the information is oversimplified, or may become inaccurate over time, for example because of changes to the law.

Contents

What is Industrial Injuries Disablement Benefit? 4

Can I get Industrial Injuries Disablement Benefit?................................6

Other help available 7

Reduced Earnings Allowance 7

Retirement Allowance................................7

Constant Attendance Allowance................7

Exceptionally Severe Disablement Allowance 7

How do I claim? 8

When and how do I claim?........................8

Work done before 1948 9

Work done as a trainee? 9

How are claims decided? 10

How much can I get?.............................10

How will I be paid? 10

Will Industrial Injuries Disablement Benefit affect my other benefits?.........11

Compensation schemes 12

Pneumoconiosis etc (Workers Compensation) Act 1979 Scheme...........12

The 2008 Diffuse Mesothelioma Scheme...13

What is Industrial Injuries Disablement Benefit?

This is extra money you can get if you're ill or disabled from an accident or disease caused by work.

Accidents

We use 'accident' to mean an incident (or series of incidents) at work which wasn't deliberate and which resulted in personal injury.

If you have an accident at work, you should tell your employer at once - even if the accident doesn't seem serious at the time. Most employers have an accident book. You should record the details of the accident in the book as soon as you can.

If you can't report the accident yourself, you should ask someone to do it for you.

You can apply at any time for a decision from us (see page 8 for contact details) on whether your accident was an industrial accident. Applying for a decision is not a claim for benefit but may help you decide to claim benefit in the future because of your accident.

Diseases

More than 70 diseases are covered. Some of the most common are:

- asthma
- chronic bronchitis and emphysema
- deafness
- pneumoconiosis (lung disease from breathing in mineral dust)[1], and
- prescribed disease A11 (formerly known as vibration white finger).

If you're diagnosed with the disease 1, you can get benefit if your disablement is assessed at 1% or more.

Asbestos-related diseases

These diseases are covered:

- pneumoconiosis (asbestosis)[1]
- diffuse mesothelioma[2]
- primary carcinoma of the lung with asbestosis[2]
- primary carcinoma of the lung without asbestosis but where there has been extensive occupational exposure to asbestos in specified occupations[2]
- unilateral or bilateral diffuse pleural thickening.

If you are diagnosed with one of the diseases 2, you'll get the benefit at the maximum rate from the start of your claim.

Can I get Industrial Injuries Disablement Benefit?

You must have got the disease as a result of doing a certain type of work on or after 5 July 1948 when employed in Great Britain.

We may need you to have a medical check. This will help us decide how disabled you are and how long your disability will last.

We won't pay Industrial Injuries Disablement Benefit if you did the work that made you ill when you were self-employed, or before 5 July 1948.

Other help available

Reduced Earnings Allowance

You may get Reduced Earnings Allowance if:

- you can't do your usual job or other work with similar pay because of an accident or disease caused by work, and
- you have a disability which began before 1 October 1990.

Retirement Allowance

If your Reduced Earnings Allowance is £2 or more a week when you reach State Pension age and you're not in regular employment, we'll replace it with another benefit called Retirement Allowance.

Constant Attendance Allowance

If you get Industrial Injuries Disablement Benefit at the full rate and you need daily care and attention, you may get Constant Attendance Allowance.

Exceptionally Severe Disablement Allowance

If you get one of the two higher rates of Constant Attendance Allowance and you need permanent or constant care and attention, you may also get Exceptionally Severe Disablement Allowance.

How do I claim?

When and how do I claim?

If you think you may get Industrial Injuries Disablement Benefit, claim as soon as you can.

If you delay, you may lose some benefit.

Claim straight away if you have an illness caused by your work.

We deal with Industrial Injuries Disablement Benefit at five benefit delivery centres. Contact the centre covering the area where you live for more information.

Wales
Phone: 0845 758 5433

A single textphone number is available wherever you live: 01977 464 144

For information on call charges, see page 14

Work done before 1948

If your disease was caused by work before 5 July 1948, get in touch with:

Pneumoconiosis and Workmen's Compensation Section
Barrow-in-Furness
Phone: 01229 842700

Work done as a trainee

If you were a trainee doing work-based training when you became ill, get in touch with:

Analogous Industrial Injuries Scheme
Castleford
Phone: 01977 464070

For information on call charges, see page 14

How are claims decided?

We may contact your employer, if possible, to check the jobs you've done.

While we're checking the jobs you've done, we may ask you to go for a medical check. But if we decide that the jobs you've done don't meet the rules, you won't get Industrial Injuries Disablement Benefit.

If you have a medical check, a doctor will give an opinion on whether you have the disease and the level of your disability.

How much can I get?

The amount you get depends on how bad your disability is.

We can pay it after 15 weeks (90 days not counting Sundays) from the first day you are disabled by the disease or accident.

How will I be paid?

We pay benefits straight into your account. This is the best way to receive your benefit because you can choose how and when to take your money out of your account. Your account can be with a bank, building society or the Post Office.

Will Industrial Injuries Disablement Benefit affect my other benefits?

You can get Industrial Injuries Disablement Benefit as well as:

- contribution-based Employment and Support Allowance
- Incapacity Benefit
- contribution-based Jobseeker's Allowance, or
- State Pension.

But Industrial Injuries Disablement Benefit can affect you or your partner's:

- Income Support
- income-based Jobseeker's Allowance
- income-related Employment and Support Allowance
- Pension Credit
- Housing Benefit
- Council Tax Benefit
- Working Tax Credit
- Child Tax Credit, or
- War Pension.

Partner

We will treat you as a couple if you live with your husband, wife or civil partner, or if you live with someone as if they were your husband, wife or civil partner. We call this other person your partner.

Compensation schemes

Pneumoconiosis etc (Workers Compensation) Act 1979 Scheme

We may pay you a lump sum if you have one of the diseases listed below and you can't or haven't taken a civil legal action because your former employer has stopped trading. The diseases covered by the scheme are:

- pneumoconiosis
- byssinosis
- diffuse mesothelioma
- bilateral diffuse pleural thickening, and
- primary carcinoma of the lung when accompanied by asbestosis or bilateral diffuse pleural thickening.

The 2008 Diffuse Mesothelioma Scheme

We may pay you a lump sum if you have diffuse mesothelioma and can't get a payment under the 1979 scheme.

This scheme covers:

- self-employed people, and
- people who did not get the disease from their employment (for example, if you washed asbestos-contaminated clothing, or if you lived near a factory where asbestos was used).

You can't get a payment if you were not resident in the UK when the exposure to asbestos happened.

If you can't get a payment under the 1979 scheme for pneumoconiosis, we'll automatically consider you under the 2008 scheme. You can't get a payment under both schemes.

For more about both schemes, contact:

The PWC Team
Phone: 0800 279 2322

Call charges

Charges were correct as of the date on the back of this leaflet.

Calls to 0800 numbers are free from BT land lines but you may have to pay if you use another phone company, a mobile phone, or if you are calling from abroad.

Calls to 0845 numbers from BT land lines should cost no more than 4p a minute with a 9p call set-up charge. You may have to pay more if you use another phone company, a mobile phone, or if you are calling from abroad.

Calls from mobile phones can cost up to 40p per minute, so check the cost of calls with your service provider.

Textphones

Our textphone numbers are for people who can't speak or hear clearly. If you don't have a textphone, you could check if your local library or citizens advice bureau has one. Textphones don't receive text messages from mobile phones.

Directgov provides information from UK government departments on all sorts of topics. To find out about which benefits you may be entitled to, visit
www.direct.gov.uk/benefitsadviser

Jobcentre Plus is committed to applying the principles of equal opportunities in its programmes and services.

Produced by Jobcentre Plus, part of the
Department for Work and Pensions

Plain Language Commission
Clear English Standard
Winning Document