

PROGRAMME OF NATIONAL LABOUR INSPECTORATE'S ACTIVITY IN 2007

I. General information

- The determinant of National Labour Inspectorate's tasks is our pursuance of a systematic improvement in the level of working conditions and respect for worker rights in Poland.

In line with the Act on NLI, basic activities of our inspection are of **inspection-supervisory** nature. In the area of law-observance in labour relations – the labour inspection pays particular attention to counteracting irregularities which infringe upon basic principles of the state of the law and bring about especially severe effects for everyday life of a great many employees and their families.

Yet, the National Labour Inspectorate's activity is not limited solely to reacting to the already existing irregularities. In line with standards binding labour inspections of EU Member States, we introduce other than inspection forms of activity on an ever growing scale, putting particular stress on **prevention**, including widely understood **promotion of labour protection**. We also systematically monitor the influence of changes in labour law on the level of labour protection, trying to specify the most urgent needs with regard to law-making.

In connection with coming into force of the **new Act** on National Labour Inspectorate, which is envisaged in 2007, the scope of the inspectorate's tasks will be significantly broadened.

NLI's new tasks will in particular cover inspection of legality of employment, other paid labour or conducting activity, including also by foreigners.

NLI will also inspect observance of the duty to:

- inform county employment offices of the employment of an unemployed person or of entrusting performance of some other paid work to such a person;
- inform county employment offices, by an unemployed person, of commencing employment, some other salaried work or activity;
- make an entry in the register of employment agencies with regard to activity whose performance is dependent on obtaining an entry in the said register;
- run an employment agency in line with the terms specified in the provisions on the promotion of employment and labour market institutions.

The basic documents specifying directions and forms of activity of National Labour Inspectorate comprise **long-term activity programmes** and **annual plans**.

The herein document presents "NLI's Programme of Activity for years 2007-2009" and a detailed plan for 2007. The assumptions adopted here are the result of discussions and analyses which, at first, had been conducted in individual organisational units of NLI, and then at the central level. The thematic range of such discussions covered not only motions and suggestions lodged within the NLI, but also thematic suggestions presented by ministries and central authorities, bodies for supervision and inspection of working conditions, associations, trade unions, employers' organisations, and scientific-research centres.

While compiling the Programme, the following aspects were taken particular account of:

- remarks and recommendations formulated by Labour Protection Council and Parliamentary committees, including by the Committee for State Supervision and the Labour Committee;
- results of previous inspection-supervisory and preventive activity;

- data from public statistics on accidents at work, working conditions and occupational diseases;
- plans of activity of Senior Labour Inspectors' Committee (SLIC) and the European Agency for Health and Safety at Work in Bilbao.

II. Characterization of long-term tasks (2007-2009)

Analysis of results of previous inspections enables us to identify the most important problems in the area of labour protection and specify **priority tasks** in the NLI's activity for the near future. These tasks are our response to public expectations in the sphere of rectifying labour relations and at the same time they serve to implement our overriding objective which is the protection of rights guaranteed to employees by the provisions of Labour Code and the most important act – Constitution of the Republic of Poland.

In many cases, infringements of the binding legislation directly contribute to lowering the level at which basic individual and family needs are satisfied, as well as influence the quality of life and work; therefore, they are a justified cause of social frustration.

NLI's priority tasks first and foremost have in view **civilising labour relations – eliminating the pathology** of non-payment of remuneration, illegal employment and engaging employees in overtime work without any compensation. In the area of work safety, the object of particular concern is poor status of machinery and technical devices operated in Polish enterprises (40% of work accidents takes place during use of machines). As results from inspections conducted in 2006, a great many employers still have not complied with the provisions specifying minimum safety requirements for operation of machines and technical devices, although the deadline for it was 1st January 2006. Therefore, NLI will carry out intensive actions with regard to this issue, in accordance with its competence, paying particular attention to those groups of machines whose operation is connected with the highest occupational risk to employees. It is also necessary for our labour inspection to intensify the supervision of such enterprises where particularly many work accidents are registered and which have high rates of employment in hazardous conditions due to harmful to health factors. Implementation of the said priority tasks will take the form of long-term inspections (2007-2009), supported also by advisory and preventive initiatives. The said actions will cover the following groups of issues:

I. Observance of labour law provisions in the **payment of remuneration** and other benefits resulting from an employment relationship.

Intensive inspection activities will be accompanied by consistent follow-up inspection visits at such employers' who infringe upon regulations in a particularly blatant way.

II. Observance of provisions on **working time**.

Inspections will cover establishments from various branches; in the following years they will include, among others, the issue of working time in banks, road transport, insurance companies, and health care sector.

III. Observance of **minimum requirements** on work safety and health during operation of machines by workers at work.

Inspections will mainly cover those sectors in which the use of machines is connected with particularly high hazards (among others, enterprises using equipment for temporary work at heights and construction machines).

IV. Intensified supervision in companies typified by the highest intensity of occupational hazards.

Heightened supervision (taking the form, among others, of an increased frequency of visits) will cover a group of establishments from various branches, selected by individual district labour inspectorates on the basis of inspection results obtained so far.

The process of restoring legal order in labour relations will be assisted by promotion of **the habit to work and live in a safe way** among wide circles of society, also private farmers. Both in our inspection and preventive actions, we will put emphasis on the new way of approaching labour protection issues; the approach which is also advocated in the European Union directives and which underlines the necessity for companies to develop a common position, agreed between the employer and employees, on introducing systemic solutions in occupational health and safety protection. It is of great importance for the reduction of occupational hazards and effects of their existence, especially in such sectors of economy and individual companies which are noted for the highest intensity of hazards.

III. Characterization of inspection-supervisory tasks included in the annual programme

Inspections planned within the framework of **annual plan** (i.e. for the year 2007) will be conducted in areas typified by a significant scale of infringements of labour law or occurrence of problems which require coordinated actions of the whole inspectorate on a country-wide scale.

In the area of work safety, NLI plans inspections aimed at eliminating hazards:

- ✓ connected with the use (production, warehousing) of **chemical substances and preparations**;
- ✓ while performing **construction work**;
- ✓ in enterprises mining **common minerals**;
- ✓ while removing asbestos from **buildings and industrial facilities**;
- ✓ on **farms**;
- ✓ while producing beverages (spirits, beer, sparkling drinks);
- ✓ in mechanised **company internal transport**;
- ✓ during construction and repair of **bridges and roads**;
- ✓ at autogas **stations**;
- ✓ while **logging trees for wood** and in other forestry work;
- ✓ in **transport of hazardous materials**;
- ✓ during collection and transport of **communal waste** (taking into account exposure of employees to **action of biological agents**).

By becoming engaged in the implementation of a European campaign devoted to the problem of occupational hazards related to the musculoskeletal system, Polish labour inspection will carry out inspections of **manual handling operations in construction, health care units and large-area shops**. Inspections will be accompanied by a preventive programme (described in chapter IV).

Inspections have been planned whose aim is to assess compliance with **essential requirements** for **agricultural machines and equipment** and **packaging machines**, as well as **protective clothing and footwear**. Particular attention will also be paid to limiting hazards connected with existence of **noise and mechanical vibrations** in the workplace.

Inspections in the area of **legal protection of labour** – besides the most sensitive issues – i.e. working time and payment of remuneration, which were already included in the long-term programme – will concern, among others:

- ✓ observance of provisions on **employment** of employees (including **temporary workers** and those engaged in **seasonal work**), with attention to the issue of **legality** of employment (in connection with the above-mentioned planned enactment of the new Act on NLI);
- ✓ observance of provisions on **leaves**;
- ✓ execution by employers of **labour court judgements**.

Due to the still disturbing scale of irregularities, comprehensive inspections (covering both work safety and legal protection of labour) in **retail shops**, including **large-area ones** will be continued.

NLI will carry out inspections of underground **mining companies**; inspectors will verify compliance with provisions and rules of both work safety and law-observance in labour relations. Inspections will also cover **companies performing mining services** in underground parts of mines.

In establishments from various branches, inspectors will check compliance with labour law provisions (including OSH regulations) in relation to **young workers** (below 26 years of age). This means continuation of activities commenced in 2006 within the framework of the European campaign “Young workers – safe start”, implemented under the auspices of the European Agency for Health and Safety at Work in Bilbao. Plans also comprise inspections of the issue of employing **adolescents**, and **seasonal work of children and teenagers**.

Subjects envisaged in the Programme will be, in most cases, carried out by all District Inspectorates and coordinated centrally (by Chief Labour Inspectorate). It should be also emphasised that inspections will be conducted according to uniform rules, which will make it possible to obtain comparable results and, on the basis of them, to formulate reliable conclusions.

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A significant part of the inspectorate’s tasks comprises actions which result directly from statutory provisions. These are in particular tasks connected with:

- **examining circumstances and causes of work accidents** (every year inspectors examine all reported fatal, serious and collective accidents, and a number of minor ones);
- **assessment of conformity** of an erected building with its **construction design**;
- inspection of observance of provisions on **employment of the disabled**:
 - ✓ in enterprises which have the status of protected labour enterprises or apply for obtaining such a status;
 - ✓ in enterprises which have the status of professional activity enterprises or apply for obtaining such a status;
 - ✓ in other enterprises – which establish work posts for disabled individuals.

In the framework of inspection activity, we will also be checking compliance with provisions on:

- ✓ employee rights connected with **parenthood**;
- ✓ prophylactic **medical examinations**;
- ✓ **training** in the area of OSH;
- ✓ functioning of OSH service;
- ✓ **occupational risk** assessment;
- ✓ **consultations** on OSH and OSH commission;
- ✓ implementation by employers of duties resulting from the act on **social security** with regard to work accidents and occupational diseases.

Inspectors will also pay special attention to work performed in generally accessible places, in order to eliminate **hazards to the public**.

One of the conditions in achieving a significant improvement of labour protection is a systematic and consistent **verification whether employers have complied with legal measures applied during previous inspections**. For the said reason follow-up inspections should constitute a significant part of inspection activity. Severe sanctions will be imposed upon employers who are persistently in breach of the law; additionally – in cases of failure to carry out decisions – the procedure of administrative enforcement will be commenced in line with our statutory powers.

Examining employee **complaints** and legal advisory services are these aspects of NLI's activity which have a great social importance. The scale of NLI's involvement in this area of activity is proved by numerical data: every year the inspectorate investigates validity of over 30 thousand complaints and provides nearly 1,5 million pieces of advice. **We consider it to be our priority duty to examine every lodged complaint thoroughly and within standard time limits**, and to provide complete advice to all the interested who turn to inspectorate's specialists for subject-related support.

While implementing statutory tasks, like in previous years, District Labour Inspectorates will register collective labour agreements, after having examined their compliance with the law in order to eliminate the ones containing provisions which are less beneficial than those being generally in force.

District Labour Inspectorates will also register **collective disputes** and analyse their causes, in view of the NLI's possibility to undertake appropriate actions in line with our statutory powers.

As every year, NLI will conduct an **assessment of selected legal acts** on labour protection, especially from the point of view of their effectiveness, practical implementation by employers in line with law-maker's intentions and doubts in their interpretation.

Conclusions will be used during actions which serve to initiate legislative solutions and during development of opinions on draft legal acts. In accordance with law-making needs, NLI will cooperate in this respect with competent bodies and institutions.

Moreover, in 2007 the inspectorate will carry out a number of other tasks, including the ones consisting in, among others:

- inspections of compliance with the Act on **genetically modified organisms** and exchange of information with a government administration body competent in the said matters;
- assessment of correctness of information – submitted to the Social Insurance Institution by employers – containing data used to establish the level of **accident insurance contribution**;
- issuance and withdrawal by a labour inspector of **permits for performing work or another paid activity by a child** below the age of 16 for the benefit of entities which run cultural, artistic, sports or advertising activity;
- **informing**, at the interested parties' request, of the minimum terms of employment in the territory of the Republic of Poland.

A new area of activity is the NLI's participation in inspecting observance of provisions specified in **the European Parliament's Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)**. In 2007 and the following years NLI will take part – as one of specialised bodies – in preparations for implementing new provisions and inspecting the said issue.

A detailed list of inspection tasks envisaged for implementation in the central programme for 2007 is comprised in the *Schedule. Attachment No 1* presents a list of subjects implemented by NLI within its routine inspection activity.

Attachment No 2 contains a list of own tasks of District Labour Inspectorates. They comprise problems which have not been included in the centrally-coordinated tasks, but have – according to the reconnaissance by individual District Inspectorates – a great significance in the regions covered by their territorial competence. The said Schedule and both Attachments are available in Polish.

IV. Characterization of preventative tasks comprised in the programme

As already emphasised, a significant part of National Labour Inspectorate's activity comprises **preventative actions**, also those which include **promotion of labour protection**. The said tasks are carried out with the assistance of social partners, trade unions, employers' organisations, local self-government bodies, and social organisations. In line with standards binding for labour inspections from EU Member States, NLI develops other than inspections forms of activity, which consist mainly in transferring, to employers, basic knowledge which allows to specify, assess and eliminate occupational hazards, that is to learn the rules of managing work safety. In the year 2007 particular attention will be focused on:

- methods and forms of promotion taking into account, besides social aspects, also economic **importance of systemic management of work safety**;
- actions supplementing and refining preventive initiatives undertaken at company level (especially concerning employer's **self-inspection**);
- promotion of observing existing provisions and standards, and following examples of the so-called **good practice**.

The tasks comprised in the preventative plan will also include:

- ✓ producing **publications** devoted to labour protection issues – designed for employers, employees, farmers;
- ✓ implementation of **informational-promotional campaigns** whose objective is to improve work safety, especially in small enterprises from branches with the highest accident risks;
- ✓ dissemination of knowledge of labour protection (including **advice** for social partners);
- ✓ extension of the NLI's **internet website** in such a way as to make it a full and clear source of information on labour protection for an average user of the network.

The basic addressees and partners of NLI's promotional actions are: trade unions, employers' organisations and mass media. The inspectorate recognizes the need to:

- strengthen contacts with activists of enterprise trade unions;
- continue publishing exemplary training materials, including also those based on modern audio-visual methods;
- increase the number of informational and training materials addressed to employers, especially from small companies, and to employees and farmers;
- reissue, according to financial possibilities, publications which earned the largest interest, at the same time assuring their effective distribution;
- tighten cooperation with mass media in the area of disseminating and promoting labour protection issues.

Similarly as in previous years, also in 2007 National Labour Inspectorate will conduct **training** for trade union activists, social labour inspectors, employers, representatives of territorial self-government and local structures of public administration.

National Labour Inspectorate will get involved in Europe-wide initiatives aimed at increasing employees' knowledge of **loads on the musculoskeletal system** while performing work, including:

- hazards connected with manual handling (the campaign implemented under the auspices of Senior Labour Inspectors' Committee);
- disorders of the musculoskeletal system – actions under the auspices of the European Agency for Health and Safety at Work in Bilbao; the task will be implemented jointly with the National Focal Point (CIOP-PIB).

An important topic of NLI's actions will be hazards during work connected with manual handling and carrying of loads in **transport companies, large-area shops and health care units**. The issue of hazards resulting from overloading the musculoskeletal system will be the subject of training, information on the NLI's internet website, publications and instructive films (whose quality will allow us to have them broadcast on the TV). The campaign will be supplemented by a competition on good practice in the promoted area, presentations of proper methods of work during manual handling and carrying of loads (during fairs and exhibitions), and other activities, in line with assumptions adopted by an international working group, to which the NLI's representative belongs.

The labour inspectorate will also implement a promotional programme in order to disseminate knowledge of the European Union requirements **with regard to compliance of goods with harmonised Community standards**.

NLI will also initiate informational-educational initiatives in private farming, in the framework of the campaign "**OSH in agriculture – safe farm**". Leaflets, brochures and posters providing essential assistance for farmers will be published. Moreover, NLI will organise competitions to appraise knowledge of work safety in agriculture.

Similarly as in previous years, we will continue actions connected with implementation of a promotional programme "**Observance of labour law in small companies**". The programme, targeted at employers – owners of small companies, is aimed at adjusting the company to existing law, by applying the rules of self-inspection with the assistance of checklists made available by the inspectorate. We envisage, among others, development of other checklists for branches with the highest accident hazards.

In 2007 National Labour Inspectorate will also carry out a preventive programme for employers on the issue of **excessive psychological burden and stress at work**. Implementation of the programme will allow us to popularize knowledge of the causes and consequences (health-related and economic) of stress in the workplace and of methods of its limitation. In view of this NLI has planned, among others, to make use of scientific and practical achievements of national scientific-research institutes (in particular of Central Institute for Labour Protection-National Research Institute and Occupational Medicine Institute in Lodz) and occupational medicine centres (Province Centres of Occupational Medicine) in the area of developing and introducing company programmes of health prevention – managing stress in the workplace.

As in previous years, we will organise **competitions** to promote issues of labour protection and activity of persons involved in improving work safety. The Chief Labour Inspector's awards named after Halina Krahelska will be granted. As every year, we will distinguish employers who care for proper working conditions – in the framework of an all-Poland competition *Employer – organizer of safe work*. Together with the Polish Craft Association we will organise another edition of an all-Poland "*Competition of knowledge of OSH for juvenile workers employed in the craft sector*". In cooperation with trade unions, District Labour Inspectorates will prepare a competition for the *Most active social labour inspector*.

We will also carry out competitions: *Knowledge of OSH in private farming for students from secondary schools, Safe farm and Safe construction site.*

In cooperation with **mass media** – both central and local ones – the inspectorate will be informing the general public of the results of inspections, provide explanations and promote initiatives which serve the improvement of labour protection level.

We will continue publishing our monthly “Labour Inspector” and “Legal notes”.

While implementing programme tasks, labour inspectors, to an ever-growing degree, will be paying attention to **employers’ preparation for self-inspection** – in the framework of the company’s management system, which should take into account issues of safety and protection of employee rights.

Experience of labour inspectors, who on everyday basis assess the level of employers’ compliance with legislation and the models disseminated for a long time in EU Member States, point out additionally to rightfulness of the rule that **the first inspection** at a given employer’s should be mainly of reconnaissance and advisory nature, especially in newly established companies or such, which have changed their type of activity – **on condition, however that a blatant infringement of employee rights is not identified.** The first inspection should, at the same time, provide the inspectorate’s officers with indispensable knowledge which is a condition for proper targeting of further actions (both inspection and preventive) directed at a particular employer or a given sector.

As it has been emphasised earlier, the NLI’s objective is to obtain a systematic improvement of the level of work safety and law-observance in labour relations in the inspected establishments. Therefore, the chief criterion when assessing work of individual inspectors will be the **quality of carried out activities**, and not quantity rates.

We strive to strengthen the public image of the National Labour Inspectorate as an efficient institution, which enjoys public trust.

V. Cooperation with other bodies and institutions dealing with labour protection issues

Reaching a clear and sustainable improvement of labour protection level also depends on close **cooperation of all bodies and institutions interested in the said issue.** In 2007 National Labour Inspectorate will strive for developing and refining cooperation with bodies of authority, units of local self-government at all levels, bodies for supervision of working conditions, organisations of employers and employees, scientific-research institutes, and mass media.

In its actions for the sake of labour protection, NLI will be refining its cooperation particularly with the following national partners:

- **all-Poland employers’ organisations and trade unions.** Our own and foreign experience points out unambiguously to a much bigger effectiveness of preventive actions, including those promoting labour protection, when they are addressed not to single employers or engaged by them employees, but to their organisations;
- **other bodies for supervision and inspection of working conditions.** We will pay particular attention to coordinating activities, mutual use of specialist staff and possessed information and experience;
- province **occupational medicine centres;**

- **Central Institute for Labour Protection-National Research Institute and Occupational Medicine Institute in Lodz.** The cooperation will focus on promotional activities, those supporting Polish employers in introducing systemic solutions in work safety management and health protection in the workplace, and on preventative initiatives. It will also include participation in seminars during which the results of tasks implemented during the II phase of a many-year programme, called "*Adjustment of working conditions in Poland to EU standards*" will be to presented and specially evaluated.
- **Rural Medicine Institute in Lublin and central state bodies and agencies active in the farming sector, agricultural unions, organisations and associations.** The said initiatives will particularly be conducted jointly with signatories to the *Agreement on cooperation for improvement of work safety and health in agriculture.*

VI. Internal activity

Internal actions whose aim is to improve the functioning of the office include **internal inspections** and **training of staff**.

Internal inspections are directed at assessing the effectiveness of functioning of NLI's organisational structures and the correctness of inspection-supervisory process and our financial management.

The plan of training NLI's staff, similarly as in previous years, takes account of the priorities of the inspectorate's activity and the needs reported by NLI's organisational units. In order to ensure a high level of centrally-organised training sessions, and at the same time minimise their costs, almost all of them will be held in the NLI's Training Centre.

The training will cover first and foremost *employees performing and supervising inspection activities.*

Assuming that in 2007 a new Act on National Labour Inspectorate will come into force, we are planning to arrange and accomplish inspector's apprenticeship training for 160 employees who deal with inspecting legality of employment and would be taken over from provincial authorities.

In 2007 we will continue work connected with building the **NLI's IT system**. It will include:

- a. maintenance and extension of the NLI's IT network;
- b. improvement of safety level in access to NLI's computer network resources;
- c. work enabling us to process documents forwarded to NLI in electronic form (from citizens and other institutions), including implementation of an electronic signature;
- d. development and modernisation of computer hardware and purchase of software;
- e. IT training.

In the framework of the above-mentioned activities we envisage, among others:

- ✓ updating and making uniform Microsoft Windows servers and software;
- ✓ purchase of authentication server and tokens and data coding software (or some other type of security system based on hardware and software);
- ✓ purchase of portable computers for labour inspectors (when replacing outdated and broken equipment, whose repair is not economical), and desk computers (only as far as it is necessary to retain a constant number of computers);
- ✓ participation in training, meetings and conferences related to information technology.

