

*EXECUTIVE SUMMARY*  
*of the Chief Labour Inspector's Report*  
*on the National Labour Inspectorate's activity in 2004*

**The National Labour Inspectorate**, subordinate to **the Sejm of the Republic of Poland**, is a body for supervision and inspection of the observance of labour law, in particular of occupational safety and health rules and regulations. The scope of its activity, powers and its organizational structure is specified in the *Act of 6 March, 1981 on the National Labour Inspectorate* (Journal of Laws of 2001, No 124, item 1362 with further amendments) and in the NLI's Statutes attached to the *Regulation of the Speaker of the Sejm (the Lower Chamber of Polish Parliament), dated 25 October, 2002 on bestowing the statutes on the National Labour Inspectorate* (Journal of Executive Regulations of 2002, No 54, item 740 with further amendments).

Supervision over the National Labour Inspectorate – in the scope specified in the Act on NLI – is executed by **the Labour Protection Council**, appointed by **the Speaker of the Sejm**.

The NLI's organizational structure comprises: the Chief Labour Inspectorate, 16 district labour inspectorates and 42 sub-district offices operating within the districts' structures. Each district labour inspectorate covers the area of one province with its territorial competence.

**The National Labour Inspectorate** is managed by **the Chief Labour Inspector**, appointed by **the Speaker of the Sejm**, with the assistance of the deputies.

In the reporting year, *two changes in the provisions specifying NLI's competence were introduced.*

Firstly, the Act on the National Labour Inspectorate was changed by virtue of the Act of 2 July 2004 – *Provisions introducing an act on the freedom of economic activity* (Journal of Laws No 173, item 1808). The change consists in introducing a duty that labour inspectors should possess an authorisation for inspection of employers who are entrepreneurs.

In connection with Poland's accession to the European Union, a new provision was introduced into the "Labour Code", which broadens the NLI's competence by the duty to issue and withdraw permits for executing work or other tasks for remuneration by children who are below 16 years of age.

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As results from the Chief Statistical Office's data for the year 2004, 87 050 persons were injured in **accidents at work**.

This constitutes a rise by 1 611 victims (1.9%) as compared to the previous year. It has to be stressed that the increase in the total number of persons injured in accidents was influenced mainly by the increase in the number of victims of less serious accidents (analysis confirmed such growth in more than half of all economic branches). There was also an increase (by 1.2%) in the number of victims with serious bodily injuries. At the same time, in the analysed period the number of persons killed in work accidents decreased (from 515 to 490, that is by 4.9%).

Only in two branches: **mining and quarrying** as well as **education**, a fall in the numbers of all types of accidents was noted.

On the one hand, the biggest growth in the number of victims occurred in **industrial manufacturing** (39% of the total number of victims in the country). This branch was the only one to see an increase in the number of all accident types.

On the other hand, in the **construction** sector there was the biggest fall in the number of accident victims, despite a growth in the number of fatal victims (accidents in general construction work and civil engineering). For a few years now, the number of all work accidents in construction has been systematically decreasing.

In the year 2004 in the **transport, storage and communication** section there was a growth in the number of both fatal and serious accidents. The number of fatalities rose by 14 persons in comparison with the year 2003 (the said accidents took place during transport of mail and transport of other goods by multi-purpose vehicles). A significant increase in the number of fatal victims also occurred in **agriculture, hunting and forestry** – by 11 individuals (the biggest number of accident victims was in forestry).

This increase in the number of people injured in accidents was accompanied by an increase in the frequency of the total number of accidents (number of persons injured per 1 000 working population): from 8.15 in the year 2003 to 8.35 in 2004, that is by 2.4%.

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In 2004, labour inspectors **examined the circumstances and causes of 2 766 accidents at work**, which resulted in 3 469 persons being injured, including 1 050 individuals with serious injuries and 547 fatalities.

**Collective accidents** constituted over 15% of the total number of those investigated (57% of them were **road accidents**, in which 591 individuals were injured, including 50 fatalities and 65 persons who suffered serious injuries).

Analysis of the **types of events** (i.e. mechanisms leading to accidents) indicates that in comparison with the year 2003, there was a 3% increase in the number of injuries due to *persons' tripping or slipping* on surfaces and a decrease in the number of *road accidents* – by 3.5%.

However, dominant **events** resulting in **fatal accidents** still included road accidents – 28% (despite the said fall by 3.5%), as well as falls from heights – 17% (increase by over 5%). Another significant group of fatal accidents were those caused by workers suddenly falling seriously ill during work (heart attack, stroke, etc.) – as many as over 15% of deaths.

Most frequently the victims of work accidents are still drivers – over 9% of all the victims; and then: construction workers engaged in construction of unfinished state of buildings – 7%, and woodworking labourers, cabinet-makers and related trades' workers – 5%. Like in previous years, drivers are also a dominant group (over 17%) among the seriously injured.

The most numerous groups among the victims of **serious accidents** included: *construction workers* – 12%, *drivers* – almost 9%, and *woodworking labourers, cabinet-makers and related trades' workers* – 8%.

As far as the types of factors related to work accidents are concerned, their share was similar to that from years 2002 – 2003. Technical causes were a leading factor in 12% of accidents, organisational causes – 39%, and human factors – 49%.

In 2004 the NLI continued inspections of employers' observance of the provisions included in the *Regulation of the Council of Ministers, dated 28 July 1998, on establishing the circumstances and causes of work accidents and the way of documenting them, as well as the scope of information entered into the register of work accidents.* The assessment covered 9 383 post-accident documents, at 2 447 employers', who engaged 665.3 thousand workers altogether.

The results of inspections show that **the biggest number of irregularities concerning registration and notification of work accidents is found in the smallest companies**, that is micro-firms employing fewer than 10 persons. In this group of companies one can notice, among other things, a very high percentage (over 20%) of accidents of which the NLI's officers were notified with a significant delay.

An annual analysis of **working conditions**, conducted by the Chief Statistical Office, covers the entities with 10 and more members of staff.

In the year 2004, the said analysis covered 59.5 thousand enterprises, employing the overall number of 4 762 900 workers, that is 45.7% of the whole working population in the national economy, excluding private farming. Among the said group of employees, **577 200** individuals (that is 12.1% of all those working in the examined companies) **worked in conditions of occupational hazard** (in the year 2003 such situation concerned 581 500 employees, or 12.3%).

The rate which reflects the level of hazards to employees' health (number of those employed in hazardous conditions per 1 000 employees) fell, reaching the figure 121.2 (a decrease by 1.9% in comparison with the previous year). **This rate has been the lowest since the year 1990.**

According to the data from the Central Register of Occupational Diseases, run by the Occupational Medicine Institute in Łódź, in 2004 the number of diagnosed **occupational diseases** in Poland was 3 790, which is by 575 (13.2 %) fewer than in the year 2003.

In recent years there has been a **clearly falling trend in the sickness rate** (i.e. the number of occupational diseases per 100 thousand persons employed). In 2004 it was 41.0 (in 2003 – 46.6, in 2002 – 53.6). **The falling tendency of the sickness rate has been observed since 1999.**

In 2004, farmers notified local units and regional branches of the Farmers' Social Insurance Fund of 42 060 accidents, i.e. by 10 496 (or by 20%) fewer than in the year 2003. Out of that number 41 174 events were recognized as accidents at work in agriculture, which is by 5 794 (or by 12.3%) fewer than in the previous year. **The number of accidents during agricultural work is systematically decreasing; since 1990 it has fallen by half.** Year by year the incidence rate is also falling (per 1 000 insured farmers). However, it still significantly exceeds the relevant average figure for the whole country; accidents in agriculture happen over 2.5 times more often than in other sectors of economy.

In the reporting period, a **decrease** (by 18%) in the number of **fatal accidents** was also registered (173 fatalities in agricultural work accidents; in 2003 – 211). The frequency rate of those events was 0.11 accidents per 1 000 insured farmers (in 2003 it was 0.13).

The biggest number of fatal victims were *those who died as a result of being run over, struck or caught by moving means of transport* (38% of all fatal accidents). Other dominant causes include: *falls from heights (off ladders, from trailers, down the stairs)* – 19.7%; *a person being caught and struck by moving parts of machines and devices* – 9.2%.

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In 2004, labour inspectors conducted **95 600 inspections** at over 68 thousand employers' (which is barely 10% of the total number of employers in Poland). The inspected enterprises employed over 3.5 million workers (about 37% of all those having a work contract).

Over half of the inspected employers engaged no more than 9 workers, almost 30% of the visited firms employed between 10 and 49 members of staff. About 4% (2 937) of the visited companies were big enterprises, engaging at least 250 individuals.

In connection with infringements of the law identified during visits, labour inspectors issued almost 527 000 **decisions**; the biggest number of irregularities (14%) referred to the duty of preparing employees for work (these were, among others: lack of OSH training and certificates of medical examinations, lack of permits confirming workers' qualifications), as well as improper operation of electrical equipment and installations (12%).

Among the issued decisions, over 17.4 thousand included orders to promptly **cease work** due to identifying an immediate hazard to workers' life or health. There were also decisions on **transferring** almost 13.7 thousand employees **to other tasks**, because they were engaged – contrary to the existing regulations – in forbidden, harmful or hazardous work.

Apart from decisions concerning OSH conditions, labour inspectors issued **24 575 decisions ordering the payment of remuneration for work** or other benefits due to employees on the basis of employment relationship. The said orders referred to the payment of salaries for the benefit of 275 thousand employees, which amounted to nearly 303 million PLN.

Upon identifying other infringements than those mentioned in *Art. 9 points 1 - 4 of the Act on the National Labour Inspectorate*, the NLI's empowered officers address improvement notices demanding that the discovered irregularities be eliminated. In the reporting period, labour inspectors issued almost **64 thousand improvement notices**, which included **391.5 thousand recommendations**. The dominant group were recommendations which dealt with irregularities while concluding and terminating employment relationship (39%). Other numerous groups were also recommendations with regard to breaking provisions on remuneration for work, and working time (12% of recommendations concerning each of these issues).

As a result of conducted visits, labour inspectors identified **84 600 offences against employees' rights**. Every fourth offence consisted in breaking the provisions regarding preparation of employees for work, and every fifth was connected with non-payment of salaries and other due benefits on the basis of employment relationship.

Where labour inspectors found offences against employees' rights, they either lodged a motion with municipal courts for punishing the offenders, imposed immediate punishment tickets or applied other disciplinary measures.

In the year 2004, labour inspectors tabled **2 799 motions** to municipal courts requesting that **the offenders be punished**. Municipal courts issued sentences in 2 451 cases, including 2 240 sentences imposing fines (in 1 371 cases in the form of order sentences), and 28 persons were punished with a reprimand.

The overall amount of fines adjudged by courts was 2 058 190 PLN, so the average fine was 893 PLN.

Although the average amount of fines imposed by courts rose by 141 PLN in comparison with the previous year, they are still relatively low (when compared with the upper statutory limit).

Labour inspectors imposed fines in the form of **28.3 thousand punishment tickets**, amounting to 13.5 million PLN altogether. In relation to 3 245 persons, labour inspectors applied **educational and disciplinary measures** in the form of advice, a warning or a reprimand.

In 2004, labour inspectors **notified the public prosecutor's office of 869 cases of suspected crimes**. Every third notification referred to the infringement of employees' rights resulting from an employment relationship (comprising mainly cases of non-payment of salaries and other due benefits), and 49% – concerned cases of making it impossible or difficult for labour inspectors to carry out workplace visits.

By the time this report was drafted, prosecutors had initiated 206 investigations, submitted 122 indictments to courts, and discontinued 253 investigations. In 57 cases prosecutor's offices refused to commence an investigation.

In connection with prosecutors' decisions, the NLI's inspectors lodged 82 complaints – including 35 ones (43%) concerning the decisions on discontinuing investigations, and 28 complaints (34%) concerning refusals to commence investigations. 24 of the submitted complaints (29%) were deemed relevant, 12 were rejected, and 46 are still under examination.

Like in previous years, **cooperation with labour and criminal courts** focused on submission of documents from inspections at employers' who were the parties to the ongoing proceedings. Labour inspectors were also involved during court proceedings as witnesses or experts appointed by the court.

Labour courts provided the NLI with information on sentences passed in cases with regard to employment relationship. Such information was indispensable for planning inspections to verify whether employers complied with the labour court sentences.

In 2004, the NLI's specialists provided all persons concerned with **1 441 322 pieces of advice**, including 1 166 734 pieces of advice on legal matters (81%) and 274 588 pieces of advice on technical issues (19%). Among those applying for advice, 50% were employees and 1/4 - employers.

Within **preventive activities**, one can mention for example, the implementation of regional projects, whose aim was to encourage the biggest possible number of employers,

employees, self-employed and individuals working on the basis other than employment relationship, to change their attitude towards safety and health issues. While attempting to achieve this objective, the NLI applied various forms and tools available to it, taking account of specific features of each region.

In the reporting year the National Labour Inspectorate also developed its **preventive initiatives in private agriculture**. They focused on popularising proper habits and behaviour patterns among farmers and adolescents to be followed by them on farms. Moreover, the NLI presented practical examples of working safely, and conducted visits on farms and in fields during farming work (9 554 visits took place). During such visits, labour inspectors paid special attention to child safety.

In the reporting year labour inspectors forwarded 6 982 **letters for the purposes of information and prevention**. The addressees of those letters were, among others, government administration bodies, employers' organisations, local self-government councils, trade union headquarters, bodies for supervision over working conditions. The subject of those letters referred both to OSH issues and legal protection of labour.

After receiving such letters, employers carried out technical inspections of machines, equipment and installations; they arranged for additional training of workers, taking into consideration recommendations included in letters from labour inspectors; they ensured the development and implementation of company's plans on improving OSH level.

From the date the Regulation of Minister of Labour and Social Policy concerning licence of an **OSH expert** came into force (which was on 2 June 1996) to the end of 2003 – the Chief Labour Inspector issued such licences to 552 persons. Out of 12 applications tabled by candidates for experts in 2004, 8 applicants received positive opinions. Interest in obtaining an OSH expert's licence has remained at a low level for the last two years, which is connected with poor business prospects in the building sector and significantly fewer construction investments, and the resulting limited needs for OSH expertise on construction projects.

As every year, the NLI conducted inspections of the observance of OSH provisions while designing the construction, alteration and modernisation of buildings, and **while taking for operation of newly constructed** or altered workplaces or their parts. Such inspections covered **7.8 thousand buildings**.

On the basis of Construction law, inspectors issued **protests** concerning 557 buildings and formulated 11 537 **reservations** due to discovering that such buildings, although erected in line with technical designs, violate the occupational safety and health requirements.

In 2004 labour inspectors conducted inspections of 118 inland sailing ships in order to issue decisions on **allowing exploitation of such vessels** from the point of view of occupational safety and health. Inspections resulted in issuing permits for operation (from the point of view of OSH) in relation to 113 ships, in the form of appropriate statements presented to their owners. In relation to 5 ships the issued statements included decisions not allowing for their exploitation.

On 1 May 2004, the NLI's scope of activity was broadened by the duty to **issue and withdraw permits for executing work or other paid tasks by children** below 16 years of age. In the period from 1<sup>st</sup> May and 31<sup>st</sup> December 2004, labour inspectors examined 124

motions in such matters, and issued 119 decisions allowing for the employment of children; in 5 cases inspectors refused to issue said permits. Moreover, in one case the issued permit was withdrawn following a motion by the child's guardian.

In 2004 labour inspectors, during their visits, for the first time ever **checked the accuracy of information submitted to the Social Insurance Institution (ZUS) by payers of social insurance contributions**, in order to establish the amount of premium related to accident insurance.

The accuracy of information, submitted on a ZUS-IWA form, was verified during 10 502 inspections at payers', who were obliged to present such data for the year 2003. Labour inspectors identified 1 703 irregularities altogether, which were found on 1 525 ZUS-IWA forms. The resulting action taken by inspectors consisted in submitting relevant notifications to appropriate branches of the Social Insurance Institution (along with the correct data).

The NLI issued opinions on 58 draft legal acts, including 7 laws and 51 regulations. Majority of reservations and remarks were approved and taken account of in the already binding legislation.

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In the *National Labour Inspectorate's Programme of Activity* both **long-term tasks** (for years 2004-2006) and **one-year tasks** were planned. One of the priorities in the NLI's activity, adopted for years 2004-2006, is the concept of focusing inspection-supervisory tasks on sectors of economy and individual enterprises marked by the highest intensity of occupational hazards. The priority for the labour inspectorate in the area of legal protection of labour are intensive actions aimed at limiting the scale of such law infringements which are most painfully felt by employees. Inspections, implemented in line with the long-term programme, comprised the following topics:

#### **Remuneration for work and other benefits resulting from employment relationship**

In view of a significant scale of irregularities with regard to payment of salaries and other benefits on the basis of employment relationship, the inspectorate intensified to counteract this phenomenon, which brought about the first positive effects still in 2003. In comparison with the year 2002, the number of wronged employees fell by over 14 %, and the amount of unpaid salaries – by over 15%. In 2003, for the first time in many years, one could notice a decrease in the number of inspected employers who broke provisions on remuneration for work (from 68% in 2002 to 62% in 2003).

In 2004 there was a further decrease in the percentage of inspected employers infringing upon regulations in the said scope – to the level of 58%. Despite this falling tendency, the scale of problems in this area of labour protection has to be considered as highly disturbing.

#### **Intensive supervision over enterprises marked by the highest concentration of occupational hazards**

On the basis of many-year experience one can conclude that intensive supervision of companies with the highest concentration of occupational hazards allows, in the long run, to achieve improvement in working conditions, thanks to systematic inspection and advisory actions. In the long-term programme for years 2004-2006, intensive supervision was extended over a group of 92 enterprises, employing 41 thousand workers. These are companies from various branches in which particularly high occupational risk expresses itself by the fact that norms for harmful to health factors are significantly exceeded, and the numbers of occupational diseases and accident rates are high.

In 2004, 228 visits in companies under intensive supervision took place. The results of inspections prove that the key problem in these enterprises is a reliable occupational risk assessment. It was also stated that in the said group of firms, which often cope with economic hardships, besides serious problems concerning work safety and related to technological processes, there are also other irregularities whose elimination does not require any financial resources.

### **Occupational risk assessment and documenting its results in enterprises with a significant level of occupational hazards**

Inspections covered a group of companies dealing with production of *goods from non-metal raw materials (glass and glassware; precious ceramic products and ceramic goods for construction; concrete, plaster, rock and natural stone products; manufacture of cement, lime and plaster)*. Special attention was paid to micro-firms (i.e. companies with up to 9 workers) from the above-mentioned sector. Labour inspectors noted that occupational risk assessment was not conducted by 26% of companies.

Actions which were undertaken following the inspections led to the improvement in compliance with regulations, among other things, by identification of all hazards and documenting the process of occupational risk assessment. Apart from inspections, district labour inspectorates carried out informational-preventive actions, such as meetings and seminars for trade unions and employers, and provided counsel on occupational risk assessment.

### **Observance of labour law, including OSH in micro-firms (with up to 9 workers). Production of timber and wood products**

Results of inspections in 515 companies indicate that many employers from this sector do not observe occupational safety and health regulations. A particularly disturbing phenomenon is the failure to conduct occupational risk assessment in more than half of the inspected companies. The lack of hazard identification makes it practically impossible to develop a proper approach to work safety and undertake systemic actions for the improvement of working conditions. The scale of the problem is aggravated by the fact that in one third of those companies employees were not trained in OSH. There was also a high percentage of micro-firms which used woodworking machines not fulfilling even the minimum safety requirements (64%).

Inspections also focused on the issues of legal protection of labour. The biggest number of offences related to informing employees in writing of terms of employment (45% of the visited employers); breaking provisions on working time (24%); content of work contracts (18%); content of employment certificates (18%), and issues with regard to granting annual leaves (16%).

## **Observance of OSH provisions in agricultural and food processing industry – processing of fruit and vegetables**

Inspections covered 129 fruit and vegetable processing companies, out of which 60 use ammonia cooling installations. During visits labour inspectors identified a great many offences of OSH regulations, in particular as regards: organisation of workstations and work processes (77% of the visited firms); guarding on hazardous elements of machines and equipment (77%); lighting and ventilation (73%).

Ammonia cooling installations were mostly in a satisfying condition. However, certain faults were identified that can create potentially dangerous situations, such as e.g. lack of durable and clear marking of cut-off valves, containers and pipelines of ammonia installation; lack of signalling in the cooling chamber; lack of protection against access by unauthorised persons to the engine room of cooling machinery; improper emergency ventilation in the engine and machinery rooms.

### **Work safety in construction, with particular attention to work safety while performing tasks at heights**

Findings of labour inspectors indicate very frequent infringements of safety regulations with regard to performing work at heights (lack of protective railing at places of work at heights – 70% of the visited sites; failure to equip workers with PPE for protection against falls from heights – 48%).

While inspecting earthwork, labour inspectors identified irregularities consisting most frequently in improper safeguarding of excavation walls (53% of construction sites) and performing work using mechanised equipment in a way which violates the OSH regulations (31% of sites).

Many hazards are created on sites due to the use of electrical power installations and equipment, as well as the operation of machines and technical devices (on over half of the visited sites, supply electric wiring was not protected against mechanical damage, on every fifth site labour inspectors noticed the lack of guarding and protective devices on machinery).

Labour inspectors discovered serious cases of negligence in the area of occupational risk assessment (34% of the visited sites).

While implementing its **annual plan**, the National Labour Inspectorate accomplished 30 topics including both OSH, and legal protection of labour. Inspections concerned the following issues, to mention just a few:

#### **Working time**

Irregularities particularly consist in: recording working time in an unreliable manner (49% of those inspected), or even the lack of such records (15% of those inspected), failure to secure a 5-day working week to employees on average and improper compensation for work on the sixth day of the week (43% of those inspected), engaging employees for the time-limit exceeding the norms binding for them – its daily length (30%) and average weekly length (37%); failure to specify the working time system, working time schedule and the length of calculation period in work regulations (or in a collective labour agreement) – 37% of those inspected. The NLI's inspectors point to the phenomenon existing in the visited firms of lowering employment level to the minimum (that is below the actual needs of the employer).

The said situation, caused by attempts to reduce the costs of economic activity, brings about infringements of many labour law provisions.

### **Implementation of labour courts' sentences by employers**

Labour inspectors checked whether 690 employers executed 2 960 binding sentences and compromise agreements reached before labour courts.

During inspections it was stated that 255 employers did not execute 1 684 labour court judgements concerning 2 310 employees. Yet it has to be underlined that the percentage of unfulfilled judgements and compromise agreements of labour courts decreased from 64% in 2003 to 57% in the reporting year. In comparison with the year 2003, the number of workers wronged due to failures in executing labour court sentences also decreased – almost by 13%.

In 2004, like in previous years, the biggest number of ignored judgements concerned non-payment of remuneration and other due benefits on the basis of employment relationship, while its main cause was bad economic situation of employers. Independently of financial deficits, the reason why many judgements are not implemented is employers' ignorance of the binding law. Inspections showed that e.g. in many cases adjudication of compensation for dissolution of a work contract without observing notice period, did not result in performing the duty by the employer, stipulated in Art. 97 § 3 of the Labour Code, that is issuing a new employment certificate.

Thanks to the actions of labour inspectors, it was possible to enforce upon employers the execution of a significant part of ignored labour court sentences (63.5%), regarding both non-financial rights (such as issuing or correcting employment certificates), as well as the payment to employees of remuneration and other benefits resulting from employment relationship.

### **Observance of labour law provisions, including OSH regulations, in supermarkets**

Inspections of **supermarkets** showed a significant scale of infringements in the area of legal protection of labour, particularly consisting in non-granting of annual leaves (67% of the inspected units), improper content of employment certificates (28%), improper keeping of working time records (52.5%), non-payment or lowering of remuneration for overtime work (47.5%), non-observance of a five-day working week (29.5%), non-payment or lowering of extra pay for night work (11.5%), unpunctual payment of remuneration (10%).

As regards the technical work safety, the most frequently encountered irregularities were connected with: organisation and equipment of hygienic-sanitary rooms (45% of supermarkets), storage of goods (46%), order in passage routes (58%). Many irregularities concerned the organisation of workstations, as well as provision of working clothing and footwear and personal protective equipment to employees (about 39%). A disturbing “practice”, identified in 27% of supermarkets, consisted in blocking access to emergency exits by various stored goods, and keeping emergency door permanently locked, which would make it impossible to immediately evacuate employees and other persons from dangerous places in case of emergency. Another problem, found in every fourth supermarket, was insufficient lighting of workstations with natural light. In 12 supermarkets lack of natural lighting was identified at 172 stations of permanent work, and these companies did not obtain an appropriate permit of the province sanitary inspector for lighting workstations only with lamplight.

Findings from visits in past years (2001 – 2003) confirm high effectiveness of actions conducted systematically by labour inspectors. Therefore, supermarkets in which comprehensive inspections were carried out in 2004, will also be covered by several years of supervision, accompanied by revisits.

### **Observance of labour law provisions, including OSH regulations, in companies with the dominant share of foreign capital**

The NLI conducted 168 reconnaissance visits. The inspected companies employed 24 thousand employees, including 7.6 thousand women and 101 young workers.

Inspection of the observance of labour law in enterprises with a dominant share of foreign capital did not prove the existence of significant differences in this respect in comparison with Polish companies; only in the case of biggest companies (employing over 250 workers), working conditions are better in enterprises with foreign capital. This can be an effect of greater financial possibilities of big foreign investors. Yet, in the category of small and medium companies, working conditions are similar in both groups. With regard to legal protection of labour, similar interdependence can be noted – in big enterprises, where appropriate, specialised units operate, and where trade unions and civic labour inspection exist, law-observance is relatively good. Yet, in small and medium companies, where employers and their proxies do not have sufficient knowledge of Polish labour law, the number of irregularities is the biggest. Therefore, it can be concluded that the identified offences against the law and their extent, do not depend on the type of ownership (national or foreign), but on the sector and the related hazards, as well as – on economic situation of individual enterprises. It has to be stressed that in companies with dominant foreign capital, new technologies or technological solutions facilitating work are being introduced, at least in order to meet specified standards, required for and indispensable in a given sector.

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As a result of inspection-supervisory activity, the following effects were achieved, to mention just some of them:

**written confirmation of the existence of employment relationship** with regard to about 15 thousand persons, who were parties to civil law contracts or worked without any contract at all;

**enforcing** the payment of salaries and other benefits to about 186 thousand workers, which **amounted to 305 million** PLN;

**elimination of irregularities in the observance of working time provisions** at 17 thousand employers', engaging the total of about 800 thousand workers;

**granting** overdue annual leaves to 113 thousand workers, by about 5.5 thousand employers;

**elimination of direct hazards to life and health** of about 78 thousand workers in 10 thousand companies.

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In the year 2004, one of the main streams of the NLI's promotional activity focused on the issues of work safety in construction. An **all-Poland informational-promotional campaign** was dedicated to work safety on construction sites, in which special attention was paid to the problem of hazards existing during work at heights and to disseminating the rules of conducting occupational risk assessment.

While supporting initiatives to improve **work protection in private agriculture**, the NLI continued promotional actions under a slogan "OSH in agriculture – safe farm". Within educational activities, a series of training meetings for farmers was organised under a slogan "Asbestos safety – use, removal, disposal".

Safety of children in villages constitutes an important element of the cooperation between the National Labour Inspectorate and the Polish Scouting Association.

A preventive-promotional programme for employers with up to 10 employees – **“Observance of labour law in small companies”**, initiated in 2000, was carried on.

The National Labour Inspectorate continues publishing its monthly “Labour Inspector”, established in 1929. The **NLI’s website** has existed for six years now.

In the area of activities promoting and popularising matters related to labour protection, a significant role belongs to **competitions** organised by the NLI, such as: “Employer – the organiser of safe work”, and “Competition for the most active civic labour inspector”.

The NLI is also involved in organisation of an “All-Poland contest on OSH knowledge for apprentices in craft establishments”.

In the year 2004, **training sessions** were organised for over 12 thousand trade union activists, 6 thousand employers, as well as 7 thousand representatives of self-government authorities and local units of government administration.

A significant role in activities supporting broadly understood labour protection belongs to the NLI’s Training Centre in Wrocław, named after prof. Jan Rosner, which is the inspectorate’s training facility.

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In 2004, the Chief Labour Inspector held a substantial number of meetings with **the Speaker and Deputy Speakers of Polish Parliament**. The NLI’s cooperation with the Sejm (Lower Chamber of Polish Parliament) also included the **participation of the NLI’s representatives in 46 meetings of parliamentary committees, sub-committees and extraordinary committees**, which analysed proposals of amended or drafted acts concerning labour protection.

The NLI’s management representatives took part in all plenary meetings of **the Labour Protection Council** and, at its request, in the work of problem-solving teams.

**The Ministry of Economy and Labour** is one of the main partners of the NLI. The mutual cooperation chiefly concerned issuing opinions on legal acts and submitting information on the results of NLI’s inspections in particular areas of labour protection.

Cooperation with **other bodies for supervision and inspection of working conditions** was implemented in line with the parties’ statutory competence, and it was made more precise by agreements signed with the heads of individual offices and institutions. The basic objective was to raise effectiveness of cooperation by sharing information and coordinating undertaken activities.

In the reporting year the National Labour Inspectorate informed appropriate offices and institutions of the results of over 8.3 thousand inspections (most often the National Authorities for Building Control – of the results of 2 860 inspections; the Technical Surveillance Office – 1 581, and the National Sanitary Inspection – 1 062). Almost 1.3 thousand inspections were conducted jointly with other bodies for supervision (the biggest number of them with the National Sanitary Inspection – 296, and the National Fire Brigades – 295). 1.1 thousand inspections were undertaken following motions by other bodies (the majority of them following motions by the National Sanitary Inspection – 227, local self-government authorities – 188, and the Police – 146).

The NLI continued its cooperation with: the Supreme Chamber of Supervision, mining offices, Office for Competition and Consumer Protection, Road Transport Inspectorate, Environmental Protection Inspectorate, Social Insurance Institution, and Farmers’ Social Insurance Fund.

Besides the above-mentioned offices and institutions, the NLI also maintained contacts with, among others, trade inspection bodies, statistical offices, province occupational

medicine centres, the Polish Scouting Association, voluntary labour corps, Polish Ergonomics Society, and the Church.

Within broadly understood occupational prevention, the NLI's representatives cooperated with **research and development institutes, universities and polytechnics**, in particular with the Central Institute for Labour Protection – National Research Institute, Technical University of Białystok, Gdańsk University, Higher Engineering School of Safety and Work Organisation in Radom, Agricultural Academy in Poznań, and Rural Medicine Institute in Lublin.

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The NLI's **international cooperation** priorities were connected with the performance of tasks resulting from Poland's membership in the European Union, in particular as regards gradual implementation of the European Communities Strategy for Safety and Health at Work (for the years 2002 – 2006), taking into consideration the “Common principles for labour inspection in relation to health and safety in the workplace”, adopted by the Senior Labour Inspectors Committee.

**The NLI cooperated with the following international bodies and organisations:**

Senior Labour Inspectors Committee (SLIC),  
European Agency for Safety and Health at Work in Bilbao,  
International Labour Office (ILO),  
International Network of Training Institutes in the Area of Labour Relations (*RIIFT* – in French),  
International Social Security Association (ISSA),  
International Association of Labour Inspection (IALI).

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The analysis of results of inspections conducted in 2004 and public statistic data in the sphere of working conditions allows to **assess the level of safety and health protection of the employees as still below expectations**. Indeed, some positive changes could be seen, but both the equipment used at workstations and conditions of work do not match European standards; national law in the scope of safety at work has been adjusted to that of the European Union – but it is not yet abided by to a satisfactory degree. Growing competition and related necessity of cutting the costs of commercial activity, cause reduction of expenses on occupational health and safety at work. The situation is not helped by unemployment which still remains at a disturbingly high level, despite significant acceleration of economical growth and increase of production.

One of the basic factors of labour law observance, especially in the sphere of employees' basic rights, is the amount of **justified complaints lodged with inspection**. Incoming complaints are the first signal of irregularities in specific areas, and they vital for channelling inspection activity. In 2004 almost 31,000 complains were lodged with the NLI, mainly concerning payment problems (51% of all). There were also complaints concerning entering into and terminating employment relationship (18%), and working time (10%). For the first time the subject of the complaints was mobbing, discrimination (mainly in connection with age, health condition, disability, the amount of working time, and trade union membership, and to a smaller extent – gender equality). High number of anonymous complains (almost 16 % of all complains) is also disturbing.

Permanent improvement of labour protection, as already stressed, depends upon cooperation of the NLI with domestic and foreign institutions, organizations and agencies acting in the sphere of research and development of labour protection. Cooperation with trade unions and employers' organisations is of particular significance.

We are also of the opinion that an urgent amendment of law is necessary, in order to provide labour inspectors with instruments enabling them to enforce legal compliance more effectively and fight against pathologies in this scope by, among others:

increasing sanctions used against employers blatantly violating employees' rights. Nowadays' amount of fines ruled in a punishment ticket does not constitute trouble for employers, particularly in large enterprises. In Poland, even though the employees' rights are offended more often than in many other European countries, labour inspectors impose lower fines. Irrelevant of the sources of pathology occurring in labour relations, there shall not be any allowance or tolerance for this. We are of course fully aware, that the restrictions themselves are not and will not be a sufficient method of fighting non-compliance with legal requirements. But we also think, that everyone blatantly and deliberately offending the law must be made aware that he/she will be punished inevitably and quickly, and the punishment will be adequate to the level of guilt;

making amendments to *the Freedom of Economic Activity Act* concerning excluding NLI's officers from the obligation to present the authorization for conducting a workplace inspection. This obligation reduces the inspectors' efficiency and increases the costs of inspection-supervisory activities.

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Besides carrying out inspection activities and undertaking indispensable enforcement measures of repressive nature, the NLI finds it advisable to:

- ✓ develop and implement preventive programmes, taking account of regions' specific features and encompassing, in particular, the issue of preventing accidents at work and occupational diseases; popularise the issue concerning costs of workplace accidents among employers;
- ✓ broaden informational-educational campaigns, especially with regard to identification and prevention of most common occupational hazards (and the ones with the widest impact), such as: noise, carcinogenic agents, hazards to musculoskeletal system.

Forms and methods of inspections, particularly large-scale and thematic ones, will be improved. At the same time, inspectors will take note of employer's preparation for self-assessment, within the company's management system.

In the area of international cooperation, Poland's full membership in the European Union is of particular importance. Among others, the standing of the Polish labour inspectorate at the Senior Labour Inspectors Committee has changed from being an observer to becoming an equal member. The NLI has the right to participate actively in agreeing on and adopting decisions essential for labour inspectorates and labour protection. It also provides the opportunity of unconstrained access to and usage of data bases of a great many European institutions dealing with labour protection. This in turn facilitates – and hopefully will continue to do so to an ever greater extent – the process of taking right decisions and solving problems.