

**NATIONAL LABOUR INSPECTORATE'S
PROGRAMME OF ACTIVITY
FOR 2009**

The National Labour Inspectorate, subordinate to Polish Parliament, is an authority dealing with supervision and inspection of labour law observance, in particular regulations and rules of work safety and health as well as provisions on legality of employment and other paid work. The scope of NLI's activity and powers is specified in the Act of 13 April 2007 on the National Labour Inspectorate (Journal of Laws No. 89, item 589).

The labour inspectorate's supervision in the area of occupational safety and health and legality of employment covers not only employers but also entrepreneurs for whose benefit work is performed by natural persons, including individuals that run economic activity on their own account.

*The labour inspectorate fulfils statutory tasks in accordance with **annual and long-term programmes of activity**. The National Labour Inspectorate's Programme of activity is the basic document which specifies directions and methods of the authority's work.*

*In 2009 NLI will implement the third phase of its **long-term programme of work for 2007-2009**, which addresses key issues for labour protection as well as an **annual programme**.*

In line with the statutory competence, the National Labour Inspectorate reacts to every signal about violations of labour law provisions as well as work safety regulations. NLI increasingly undertakes preventative and promotional actions, which complement and strengthen inspection and supervision, among others by shaping safe work habits among the general public. Such a strategy meets the standards adopted by labour inspections of the European Union Member States.

The variety and wide range of tasks approved for implementation by the National Labour Inspectorate in 2009 are a reason why the basic objective of the authority's actions – improvement of compliance with labour law – requires coordinated undertakings of all entities active in the area of labour protection. Year by year cooperation with partners, both national and foreign ones, is of growing importance for the achievement of the best possible results in the process of improving working conditions and observance of law and order. For 2009 we have planned to extend cooperation with other authorities dealing with supervision of working conditions, scientific-research centres, social partners, as well as territorial self-government units.

It is justified, first of all, by intensive changes in the labour market, among others common use of forms of employment that are not based on employment relationship, which often leads to a great many infringements of legal provisions, worker migration and the phenomenon of illegal employment. The said changes are typical not only of Poland – they reflect trends prevailing in labour markets of enlarged Europe.

Especially the problem of illegal employment, which occurs in economies all over the world, has to be addressed through cooperation and harmonisation of labour inspectorates' activities at the European level. Since Poland joined the European Union, the Polish labour market has also become part of the system within which workers can move freely. On the other hand, after European integration a lot of tradesmen e.g. from the construction sector decided to emigrate for economic reasons, which in a great many cases brought about the necessity to employ unqualified workers in their place and thus has resulted in lowering of work safety standards.

Particular emphasis in the inspection process will be placed on labour inspectors' specialization because professionalism in conducting actions guarantees a proper level of the National Labour Inspectorate's effectiveness.

We will also pay much attention to accident prevention because the knowledge in this area is still insufficient, especially among employers from small companies. A rise in the number of accidents, noted over the last few years, justifies the need to undertake new and continue proven projects such as preventative-inspection campaigns or educational programmes, addressed mainly to employers from small and medium-sized companies in the sectors of economy typified by a high level of occupational risk.

An important message of NLI's actions is to make employers aware of unavoidable costs of poor working conditions; costs borne by the whole society both in moral and economic dimensions.

PROGRAMME OF ACTIVITY – priorities

NLI, while planning the scope of actions, conducted a detailed analysis of:

- results of past inspection-supervisory and preventative activities;
- public statistical data on work accidents and working conditions;
- proposals to the *Programme* submitted by ministries and central authorities, bodies responsible for supervision and inspection of working conditions, associations, trade unions, employers' organizations and scientific-research institutes.

The *Programme* has taken account of:

- comments and recommendations of the Labour Protection Council;
- comments and recommendations of parliamentary committees, including the Committee for State Supervision and Committee for Social Policy and Family;
- Work Plans of the Senior Labour Inspectors' Committee and the European Agency for Safety and Health at Work in Bilbao.

Priorities adopted by NLI focus on problems that are most important for employees and that are measured by the scale of irregularities identified by labour inspectors, also as a result of examining complaints and undertaking interventions following signals about glaring violations of labour law. Also public statistical data and world trends typical of actions aimed at labour protection were an important source of information while setting the following priorities:

1. **Focusing inspection and supervisory activities on sectors of economy and individual enterprises with the highest intensity of occupational hazards.**
2. **Improvement of lawfulness in labour relations, in particular counteracting pathological phenomena.**
3. **Implementation of preventative actions on a growing scale, including promotion of labour protection issues.**

LONG-TERM PROGRAMME

The NLI's Programme for 2007-2009 specifies priority tasks in the field of labour protection and, due to importance of problems, it stipulates their implementation as **comprehensive inspection and advisory-preventative activities**.

The **third phase** of the NLI's long-term programme of activity for **2009** defines **the following inspection, supervisory and preventative tasks**:

1. Inspections of compliance with provisions related to **remuneration** and other employee benefits.

As results from NLI's inspections, the scale of infringements in this area is significant despite a gradually decreasing percentage of inspected employers who commit offences (in 2007 one fourth, and in 2006 – one third of inspected entities were in breach of the said provisions).

2. Inspections of observance of **working time** provisions in:

- road transport (including public transport in cities and towns),
- rail transport,
- air transport,
- sea transport.

Accident statistics and results of inspections (including those carried out by NLI and the Road Transport Inspectorate) prove that companies dealing with road transport often infringe upon provisions on working time, thereby limiting to the minimum the costs of labour, which frequently leads to accidents with tragic aftermaths that happen to drivers, passengers and other road users. NLI also receives signals about infringements of provisions on working time in air, rail and sea transport.

3. Supervisory and preventative activities focused on compliance with **minimum requirements** for machines and technical equipment in enterprises using **metal-working machines**.

Machines and other technical devices are among the main sources of hazardous factors in the workplace; yet they do not always meet the requirements specified in the *Regulation of the Minister of Economy on the OSH minimum requirements related to machines used by workers in the workplace*.

4. Inspections of work safety in enterprises typified by the highest intensity of occupational hazards (**heightened supervision**).

NLI's intensified supervision covers enterprises from various branches (which have high rates of occupational hazards, work accidents and occupational diseases), indicated by district labour inspectorates.

Tasks included in the long-term programme will be implemented by all district inspectorates and coordinated centrally by the Chief Labour Inspectorate.

ANNUAL PROGRAMME

Besides long-term activities, NLI has also prepared the annual plan of tasks which include:

Inspections coordinated centrally by the Chief Labour Inspectorate.

They will be conducted in areas where the scale of breaches of legal provisions is significant or where such problems exist which have to be addressed through NLI's coordinated actions on the national scale.

Inspections conducted within the framework of cooperation of selected District Inspectorates.

Particular topic-focused inspections will be coordinated by one of the districts which take part in their implementation.

District labour inspectorates' own tasks.

They refer to problems that are not included in centrally coordinated tasks or those conducted within the framework of cooperation of several district labour inspectorates, but which – according to reconnaissance of individual districts – have a great importance in the territory covered by their competence.

Among the tasks included in the annual plan and **coordinated centrally**, NLI has stipulated the following:

- supervisory and preventative activities in **construction** which take account of:
 - **OSH on construction sites**, including OSH in construction and repair of **roads and motorways**,
 - observance of labour law, including OSH during implementation of investments connected with **UEFA EURO 2012**.

Results of NLI's inspections and an alarming increase in the number of accidents in construction (in the first half of the year 2008, the number of fatal victims rose by almost 1/3 when compared to the similar period of the previous year) justify further intensive actions, focused also on work at height and earthwork which create a high risk of accidents. In connection with implementation of investments for UEFA EURO 2012, inspections will also cover road works all over the country. Unfortunately, a dynamic increase of construction investments is not always accompanied by respect for the law.

In addition, in 2009 NLI will begin its three-year national preventative campaign aimed at reduction of the number of accidents caused by tripping and falls (also from heights).

- work safety in **garages** dealing with mechanical repair and paint spraying:
 - observance of OSH regulations – general inspections (*the topic will be implemented in cooperation with the Technical Surveillance Office*),
 - observance of provisions on chemicals, including the **REACH** Regulation;

Inspections will enable the inspectorate to conduct a detailed analysis of OSH status and preparation of sectors for implementing new provisions on chemicals, at the same time answering the question to what degree employers respect the provisions of REACH, i.e. *Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals*. An 11-year implementation period has been stipulated for new requirements concerning chemical substances and preparations; the said requirements have been in force in Poland since 1 June 2007.

- inspections of compliance with OSH provisions – related to the existence of harmful biological and chemical agents in the workplace – in **health care units**.

Previous inspections in health care units demonstrated serious negligence of employers, among others concerning risk assessment connected with occupational exposure to biological and chemical agents and the application of protective measures adequate to such hazards. For this reason and due to increasing prevalence of occupational diseases, NLI's continual supervision is advisable.

- inspections of compliance with labour law provisions, including OSH in **retail trade** units (also large area ones).

Since 1999 inspections of retail trade units have been a recurring topic of the National Labour Inspectorate's inspection-supervisory activity. The necessity to continue inspection visits results from a large number of irregularities identified in past years and complaints lodged with NLI by employees of that sector. Our inspectorate's continual supervision of shops has resulted in a gradual improvement of the observance of employee rights, although the scale of law infringements is still significant.

- inspections of employment agencies' compliance with provisions of the **Act on the promotion of employment and labour market institutions**.

The need to continue inspection activities has been confirmed by numerous irregularities identified by NLI during comprehensive inspections in 2007 and 2008 (e.g. running an agency illegally, taking charges for job placement services unlawfully).

- inspections of observance of **essential requirements** by producers and suppliers of:
 - machines and equipment for production of materials used for building roads as well as machines and equipment for construction, repair and maintenance of roads,
 - personal protective equipment for face, eyes and head.

A growth of the number of implemented investment projects implies an increase in the demand for said machines and equipment as well as personal equipment to protect face, eyes and head. Yet, the level of observance of provisions related to the conformity with essential requirements by producers and suppliers of this group of goods is diversified. In line with the provisions of the *Act of 30 August 2002 on the conformity assessment system*, the National Labour Inspectorate will continue the said actions within the framework of *market surveillance*.

Tasks **implemented within the framework of cooperation of several district inspectorates** (and coordinated by one of them) will take account of the following topics:

- **Friendly working environment;**

NLI will conduct inspection visits, among others, to large corporations, paying special attention to observance of working time provisions (due to signals that employees are forced to work overtime) as well as of other norms guaranteed in labour law. NLI will examine to what degree corporate employers secure friendly and lawful working environment to their employees. Inspections in this area will also cover smaller companies from various branches.

- Observance of provisions on legal protection of labour and OSH in **banks;**

NLI has envisaged continuation of actions included in the work plan for 2007 and 2008. Inspectors will focus, among others, on working time and respecting the right to leave, as well as work safety, also with visual display units.

- Work safety in **underground mining**, with particular emphasis on issues of compliance with OSH rules during tasks related to **underground transport;**

- Observance of labour law provisions, including OSH in **economic entities providing services to mining companies:**

- in underground work areas,
- on the earth surface.

Statistical data on work accidents and occupational diseases prove that work in mining is connected with the highest risk of an accident; 7 persons died during work connected with underground transport in coal mines only in the period from January to August 2008. Due to the scale of irregularities identified so far, inspections of firms providing services to mining companies will also be continued.

The said topics will be implemented in cooperation with the State Mining Authority and Technical Surveillance Office.

- Observance of labour law provisions, including OSH in **independent economic entities** separated from **power stations as well as heat and power stations** after restructuring;

Such enterprises usually conduct repairs and services in the area of electrical energy and automation; both types of work are connected with significant dangers, increased by incompliance with procedures which are binding during exploitation of power devices and networks.

- Observance of OSH provisions in enterprises listed in the register of companies which can cause **major industrial accidents** and where hazardous chemical substances exist in smaller amounts when compared to companies creating a heightened risk.

In 2008 labour inspectors visited enterprises creating major and heightened risk of a serious accident. It is justified to continue inspections in this group of enterprises which can cause a major accident, even though they have dangerous substances in amounts smaller than in companies creating a heightened risk.

- Observance of provisions regulating **manual transport in post offices**:
 - in Poczta Polska company,
 - in other post offices.

The necessity to carry out inspections throughout Poland is justified by numerous signals about irregularities, also from former employees of the Post Office. At the same time NLI will conduct a campaign "Lighten the Load" aimed at limiting ailments of the musculoskeletal system among workers.

Due to the scale and types of breaches of law identified during previous inspections (planned and routine ones) and received signals about irregularities, district inspectorates will also cooperate during implementation of inspections covering the issues of: factors hazardous to health of employees of **dry cleaners' shops**; work safety and health in **educational units**; OSH at logging **trees for wood** and during other types of work in **forestry** (including the question of proper selection of personal protective equipment); observance of provisions on legal protection of labour and OSH on **horticultural farms**; application of the Act on

company fund of social insurance by non-budgetary employers and respect for employee rights in organizational units covered by **supra-company collective labour agreements** whose stipulations have not been adjusted to amendments in legal provisions – by way of annexes – for over 5 years.

*All inspections included in the programme, both those coordinated centrally and envisaged within the framework of cooperation of selected districts, **will be implemented in line with the same rules**, which will enable us to obtain comparable results and formulate adequate conclusions.*

Activities resulting directly from the statutory provisions make up a large part of the inspectorate's tasks. They are, in particular, connected with:

- **examination of circumstances and causes of work accidents** (every year inspectors examine all reported fatal, serious and collective accidents, as well as some of minor ones);
- **assessment of conformity** of buildings with **architectural designs**;
- observance of provisions on the **employment of disabled persons**:
 - √ in enterprises which have the status of protected labour companies or those applying for such status;
 - √ in enterprises having the status of promoters of occupational activity or applying for such status;
 - √ in other companies which create jobs for people with disabilities.

During everyday **routine inspections**, NLI will also implement tasks covering the issues of:

- employee rights related to **parenthood**,
- preventative **medical examinations**,
- **OSH** training,
- functioning of **OSH services**,
- **occupational risk** assessment,
- **consultation** on OSH and OSH commissions.

Inspections of **legality of employment and other paid work** will be focused on the following issues:

1. Inspections of legality of employment, other paid work, conducting activity as well as inspections of compliance with the duty to:
 - inform county labour offices, by unemployed persons, about taking up employment, other paid work or activity,
 - pay contributions to the Labour Fund,
 - make an entry in the register of employment agencies concerning activity which can be performed on condition of having an entry in the said register,
 - run an employment agency in accordance with conditions specified in the *Act on the promotion of employment and labour market institutions*.
2. Inspections of legality of employment, other paid work and conducting activity by foreigners.
3. Prosecuting offences specified in articles 119-123 of the *Act of 20 April 2004 on the promotion of employment and labour market institutions*.

In the year 2009, supervision will cover entities that are suspected by NLI (on the basis of motions and reports of other bodies, analysis of complaints, information from the mass media and own information) of committing offences in the area of legality of employment. We expect to identify such instances in the following sectors: hotels, restaurants and catering services, construction, manufacturing, agriculture and trade.

In order to fulfil the described inspection tasks, NLI will have to cooperate with authorities and institutions which “ex officio” deal with fighting illegal work of Polish citizens and illegal work, activity (or stay) of foreigners in the territory of Poland. Cooperation with the Border Guards and Police in this field will consist in refining inspection methods and coordinating joint actions.

In 2009, while fulfilling the tasks of a **liaison office**, the National Labour Inspectorate will cooperate with European Union Member States’ authorities responsible for supervision of the terms and conditions of employment of workers. The cooperation will comprise, among others:

- 1) providing information about the terms of employment of workers posted to perform work in the territory of a European Union Member State for a specified period of time, by an employer having a seat in the territory of Poland;

- 2) informing about identified breaches of rights of employees posted to perform work in the territory of Poland for a specified period of time, by an employer having a seat in the territory of a European Union Member State;
- 3) specifying an authority which is responsible for labour market supervision and is competent to provide requested information.

Within the framework of routine inspection visits, labour inspectors will pay attention to work executed in places with public access in order to eliminate **hazards to the general public**.

An important part of routine inspections will also be to **check employers' compliance of legal means** applied during a previous visit. In justified cases labour inspectors will take advantage of the right **to request increase in the contribution to accident insurance** for such payers in whose companies blatant breaches of OSH regulations were identified during two subsequent visits.

Examination of validity of **employee complaints** lodged with NLI has special social significance. Their number remains large, which demonstrates disadvantageous situation in the area of labour protection. NLI will examine all received complaints, in particular those about employers' **failure to execute labour court judgements**.

Another very important indicator of the scale of labour law infringements are the **needs in the sphere of legal consultancy** services, provided by our inspectorate free of charge (every year – over 1 million pieces of advice).

While implementing statutory tasks district inspectorates will, like in previous years, **register collective labour agreements** having examined their conformity with the law, so as to eliminate agreements with stipulations less advantageous than those which are commonly in force.

District labour inspectorates will also register **collective disputes** and analyse their causes with a view to checking whether it is possible for NLI to take relevant action in line with our statutory powers.

As every year, NLI will carry out **assessments of selected legal acts** on labour protection, especially in terms of their effectiveness, practical application by employers in accordance with intentions of the lawmaker and interpretation doubts.

Conclusions will be used in actions related to initiating legislative solutions and giving an opinion on draft legal acts. In accordance with needs in the sphere of legislation – NLI will cooperate in this respect with competent authorities and institutions.

In addition, in 2009 the inspectorate will implement a number of other tasks, including e.g. those consisting in:

- inspections of compliance with the Act on **genetically modified organisms**, conducted on request of the Minister of the Environment, and providing information on identified hazards;
- inspections of compliance with the act on biocides;
- assessment of correctness of information – provided by employers to the Social Insurance Institution – with data used for determining **contribution to accident insurance**;
- issuance and withdrawal by labour inspectors of **permits for performing work or other paid activity** by children below 16 years of age to the benefit of entities conducting cultural, artistic, sports or advertising activity.

Within the framework of inspection and supervisory activity NLI will gradually replace detailed inspections with topic-related inspections, leaving less important issues to company OSH services (labour inspector's intervention will then consist in enforcing execution of relevant actions by those services).

During planned inspection tasks inspectors will focus, in particular, on the assessment of the *inspected employer's preparation for self-inspection conducted within the framework of company management system* because a sustainable improvement of working conditions can be achieved thanks to involvement and mutual support of all participants in the work process.

NLI will be refining specialist supervision in sectors of economy, such as electrical engineering industry, mining, chemical industry, health care, construction, which need to be covered by in-depth inspections, carried out by inspectors with sound sector-specific knowledge.

Inspections in the above-mentioned types of economic activity, as well as those related to examination of circumstances and causes of catastrophes and work accidents and

examination of certain types of complaints will be conducted by labour inspectors-specialists in a given field. This guarantees that not only all irregularities will be identified, but, first of all, that their sources and causes will be determined and preventative programme will be developed and implemented.

Development of the system of two-phase inspection visits has also been stipulated. If a labour inspector during a routine visit notices irregularities which need to be analysed more deeply, the second phase will be conducted by inspectors-specialists in a given area.

NLI will still follow the rule that the first visit to a given employer (on condition that no blatant infringements of employee rights are identified) is of reconnaissance and advisory nature. It is carried out in such a way so as to obtain company-related information which serves to target our further actions, especially preventative ones, in the best possible way.

*A detailed list of inspection and preventative tasks, planned for implementation in 2009 within the framework of centrally coordinated plan, is included in the **Schedule**.*

***Attachment 1** includes a list of topics implemented by NLI as part of its routine inspection activity.*

***Attachment 2** includes a list of topics implemented within the framework of selected districts' cooperation.*

***Attachment 3** includes a list of own tasks of district labour inspectorates. They comprise issues that have not been covered by centrally coordinated tasks and those implemented by several selected district labour inspectorates, but which – according to reconnaissance of individual labour inspectorates – are particularly important in the territory covered by their competence.*

DESCRIPTION OF PREVENTATIVE TASKS

Our labour inspectorate's preventative initiatives support inspection activity in branches of economy with the highest scale of hazards or they are separate projects – information-educational programmes or campaigns addressed to employers interested in ensuring safe working conditions and proper health protection to their employees.

In 2009 NLI will implement:

Campaign *Work safety in construction: falls and slips*

As results from the Central Statistical Office's data concerning accidents on construction sites in 2007, as many as 23 thousand of such incidents (out of 99 thousand) were caused by slips, trips or falls (also from heights). Preventative actions focused on

improving situation in construction, and in particular on reducing hazards which entail such accidents have been planned for the period from 2009 to 2011.

Special attention will be paid to safety during work on roofs (installation of supporting elements of roofs and roofing itself) and on e.g. external walls of buildings (related to thermal insulation, plastering, painting, installation of façade elements – ceramic tiles, façade sheets, etc.)

Inspections will be preceded by provision of information about an inspector's visit and of a questionnaire which enables the employer to conduct self-inspection. Owners of construction companies will have the opportunity to join a preventative programme which assumes that they will – in cooperation with an NLI's inspector – assess working conditions and implement adequate corrective actions.

Individual legal and natural persons participating in the construction process (investors, designers, employers, site managers, foremen, workers) will be the target groups of informational activities, supported by a large public campaign (with the use of mass media and billboards throughout the country). Paid advertisements in the mass media will be complemented by a campaign based on non-profit cooperation with the local mass media.

The campaign has been included in the *National OSH Strategy from 2008 to 2012*, developed by the Ministry of Labour and Social Policy.

It has to be emphasised that implementation of the campaign depends on granting additional financial resources (planned in the NLI's draft budget for 2009) for preventative and promotional activities.

Preventative activities in agriculture – ***Labour protection in private farming***

NLI will continue actions conducted with a view to safeguarding labour protection in private farming, improving knowledge of hazards during farming work and their effects. Target groups are not only farmers, but also their families and especially children. Inspectors attach special significance to educational initiatives implemented during visitations, training events and meetings at which inhabitants of villages receive brochures and leaflets, which, in a simple way, describe the most serious dangers and popularize practical solutions.

We will, in cooperation with the British inspectorate, produce Polish versions of audiovisual materials addressed to children and youth from rural areas. We will still focus especially on developing farmers' ability to assess occupational risks and apply indispensable preventative measures, in particular during operation of machines, use of chemical preparations and work connected with animal husbandry.

Preventative programme ***“Preventing hazards from chemical agents in small companies”***

NLI's inspections show that employers do not sufficiently know provisions regulating OSH issues related to work with hazardous chemicals. In particular, it refers to dangerous chemical substances and preparations of carcinogenic, mutagenic and teratogenic properties.

Company owners do not have sufficient knowledge which would enable them to properly identify chemical agents in the work environment and in a great many cases they do not know the rules of their safe application. It mainly refers to small enterprises where chemical agents are used in the form of e.g. paints, varnishes, solvents, fuels, washing and cleaning products, whereas their workers are not informed about dangerous properties of such agents.

Described irregularities prove that it is necessary for us to undertake immediate preventative and informational actions. A particularly strong emphasis has to be placed on developing Polish-language materials on occupational risk assessment, which would be in conformity with the requirements specified in the *Regulation of Minister of Health of 30 December 2004 on work safety and health connected with existence of chemical agents in the workplace*. A preventative programme planned for 2009 and 2010 stipulates providing employers with tools for correct assessment of occupational risk. After consultations with social partners, employers and scientists, NLI will develop a number of publications (among others: brochures on assessment of chemical hazards and occupational risk assessment, an informational poster with new symbols prepared in accordance with the Global Harmonized System).

European information campaign on occupational risk

(Within the framework of the European campaign under the auspices of the European OSH Agency in Bilbao)

The campaign which was launched in 2008 will be continued till the end of 2009. It has been implemented in close cooperation with the campaign coordinator, which is the Agency's National Focal Point, i.e. the Central Institute for Labour Protection-National Research Institute. Poland will join selected events of the campaign.

We will pay particular attention to the importance of occupational risk assessment for the improvement of occupational safety and health of workers and information activities in order

to eliminate or reduce risks in micro-establishments and small companies, especially risk entailed in work with chemical preparations (due to priorities of the Senior Labour Inspectors' Committee for 2009). We have planned to add new examples for small companies (prepared in cooperation with the British HSE) on the website dedicated to occupational risk assessment.

Informational-educational programme "***Young workers 2009***"

Since our inspectorate aims for a sustainable change of attitudes in the sphere of labour protection, a key target group of NLI's preventative work has become youth – a new generation which should raise standards of work culture.

An objective of the programme implemented since 2006 has been to increase young workers' awareness of hazards connected with work and to promote inclusion of work safety issues into educational process and preparation of young people for professional life. The programme has been conducted with the use of materials developed by CIOP-PIB and the labour inspectorate.

For 2009, NLI has planned:

- preparation of multimedia informational materials for teachers taking part in the educational programme "Safety culture";
- continual cooperation of district labour inspectorates with teachers who were involved in the educational programme "Safety culture" from 2006 to 2008;
- open days held for youth and teachers from post-gymnasium schools in district labour inspectorates;
- new enrolment for teachers interested in implementing the programme in the school year 2009-2010;
- implementation of informational and educational activities together with the Central Institute for Labour Protection-National Research Institute, Polish Craft Association and Voluntary Labour Corps as well as social partners.

Moreover, the NLI's publishing plan includes reprinting of selected publications for youth and young workers. A site addressed to young workers will be available on our website www.pip.gov.pl.

Preventative programme on counteracting negative effects of psychological burden and stress in the workplace

As results from research of the *European Agency for Safety and Health at Work in Bilbao*, currently over one third of workers experience stress in the workplace. The Agency expects that the role of psychosocial factors in broadly understood work environment will increase further. The programme planned for 2009 is a continuation of the NLI's three-year cooperation with employers' organizations, trade unions, OSH services as well as experts in medicine and psychology all over Poland. It will be conducted by chosen district labour inspectorates that previously were most successful in its implementation. The plan comprises training meetings devoted to coping with stress and psychological training sessions carried out in enterprises on a wider scale than before. The labour inspectorate will also aim to promote the programme among a wider group of social partners and design financial and organizational basis for its functioning independently of our inspectorate. Examples of *best practices* developed during the programme implementation will be collected and published in the coming years.

Preventative programme on compliance with minimum requirements

Due to the scale and importance of the issue, NLI has planned to continue an information-preventative programme as a task which supports inspection and supervisory activities. The objective is to reduce occupational risk during use of machines by adjusting them to European Union standards of work safety and health: in the group of enterprises where metal-working machines are used, as well as in construction companies using equipment for temporary work at heights (construction scaffolding).

Promotional programme: *Observance of labour law in small companies*

In such firms employers themselves perform the tasks of OSH services in line with article 237¹¹ of the Labour Code (continuation of a nationwide topic initiated in 2003).

The inspectorate will still conduct this programme addressed to employers – owners of the smallest firms; yet, this group will be broadened to include enterprises with up to 20 employees because in practice such employers perform the tasks of OSH services on their own. The programme is based on the assumption of self-inspection and voluntary involvement of its participants. Employers will take advantage of tools prepared by the labour inspectorate in order to identify problems and irregularities existing in their companies, assess their level and specify the ways and deadlines for elimination of irregularities.

For 2009 NLI has also planned to begin implementation of a web-based project “**Legal protection of labour – internet system of counselling and information on labour law**”.

The project’s objective is to develop a wide base comprising regulations on labour law as well as interpretations and legal advice.

Plans for 2009 include subsequent editions of competitions which promote issues of labour protection as well as activity of persons involved in undertakings to improve work safety. The said competitions comprise:

Employer – organizer of safe work

In 2007 this NLI’s competition obtained an honorary patronage of the President of Poland Lech Kaczyński. The competition’s aim is to promote best practices in the sphere of labour protection and inspire employers to undertake actions with a view to eliminating hazards existing in their companies. The National Labour Inspectorate will promote and recommend – as examples worthy of following – the competition winners, who are honoured by being included in the *Golden List of Polish Employers*.

Contest of knowledge of work safety and health rules for students from craft establishments

The contest is conducted by the Polish Craft Association in cooperation with the National Labour Inspectorate. Its objective is to consolidate knowledge of young workers in the field of legal protection of labour and occupational safety and health regulations and rules.

Competition for the most active social labour inspector

Its aim is to promote activity of social labour inspectors in the area of working conditions and lawfulness in employment relations. An expected effect of the competition is a systematic improvement of labour protection in Polish companies.

Contest of knowledge of OSH in agricultural schools and private farming

Contests and competitions related to farming are organized by district labour inspectorates for children, youth and private farmers.

Safe Farm

It is a competition prepared by the Ministry of Agriculture and Rural Development, National Labour Inspectorate, Agricultural Social Insurance Fund, Agricultural Property Agency and other institutions and organizations working to improve work safety on farms.

Safe construction site

Our aim through this competition is to disseminate safe and healthy working conditions on construction sites and to promote those contractors involved in construction work who ensure adequate safety standards in the process of investment implementation.

Moreover, in 2009 the Chief Labour Inspector will decide on winners of:

- Award named after Halina Krahelska,
- Award for journalists,
- Awards connected with “Sawo” Fairs,
- Cup for a safe bakery.

Social partners (trade unions and employers’ organizations) will be offered training at the central level and in district labour inspectorates.

In 2009 the inspectorate will be publishing a monthly “*Labour inspector*” and “*Labour Inspector’s Notes*”.

We will be developing cooperation with **the mass media** – both central and local – which are an important ally of the inspectorate in actions to improve observance of labour law.

A two-year **European Campaign “Manual Handling of Loads – Lighten the Load”** will be summed up in April 2009 (implemented under the auspices of the Senior Labour Inspectors’ Committee).

The National Labour Inspectorate – as a coordinator of the campaign conducted in 2008 – will host a seminar at the NLI’s Training Centre in Wrocław. The seminar will be devoted to exchange of experiences and presentation of good practices in elimination and reduction of loads for the musculoskeletal system; representatives of all labour inspectorates of the European Union Member States will be invited to participate.

A detailed list of NLI’s preventative tasks for 2009 is included in the **Schedule**.

COOPERATION WITH OTHER AUTHORITIES AND INSTITUTIONS DEALING WITH LABOUR PROTECTION ISSUES

NLI's **collaboration** with partners who act to improve labour protection is an indispensable prerequisite for the betterment of working conditions and state of law observance. In 2009 the National Labour Inspectorate will be refining its cooperation with bodies of authority, self-government authorities at all levels, supervisory bodies for working conditions, organizations of employers and employees, scientific-research centres, the mass media as well as other organizations and associations dealing with working conditions and observance of employee rights.

While conducting actions related to labour protection, NLI will be developing cooperation with national partners, in particular with:

- *all-Poland organizations of employers and trade unions.*

Our as well as foreign partners' experience in a clear way confirms that preventative activities and promotion of labour protection is much more effective if targeted not at individual employers or their employees but at their organizations.

- *other authorities dealing with supervision and inspection of working conditions.*

We will still attach great importance to coordinating actions, mutual use of specialist staff, information resources and experiences.

NLI will carry out inspections focused on various aspects such as: companies creating a risk of a major industrial accident, companies typified by the highest intensity of occupational hazards, state of work safety in road transport of hazardous goods, during removal of asbestos-containing products, in garages dealing with mechanical repair and paint spraying, in mining, work safety on construction sites, safety in the use of chemicals, including observance of the REACH Regulation as well as *market surveillance*. In this context, NLI will cooperate with other authorities in accordance with their scope of competence. These will be:

- √ State Fire Brigade,
- √ National Sanitary Inspectorate,
- √ Environmental Protection Inspectorate,
- √ Technical Surveillance Office,
- √ Chief Office for Building Control,
- √ Higher Mining Office,

- √ the Police,
- √ Chief Inspectorate for Road Transport,
- √ Office for Chemical Substances and Preparations, and
- √ Office for Competition's and Consumers' Protection.

- The Central Institute for Labour Protection-National Research Institute. The cooperation will, in particular, cover the issues of occupational risk assessment, ergonomic risk factors in selected branches, hazards to the musculoskeletal system, work safety in construction, stress and excessive psychological burden in the workplace, as well as educational activities targeted specifically at young workers.
- Occupational Medicine Institute in Łódź. The cooperation will, in particular, take account of issues arising from hazards during manual transport, stress and psychological pressure in the workplace as well as requirements related to adjustment of workstations to the needs of disabled workers.
- central state authorities and agencies active in agriculture, farmers' unions, organizations and associations. Such undertakings will be conducted mainly in cooperation with signatories to the *Agreement on cooperation for improvement of OSH in agriculture*.
- authorities and institutions which fight illegal employment of Polish citizens and illegal work or business activity of foreigners in the territory of Poland.

During inspection tasks related to legality of employment and other paid work, it will be indispensable for the National Labour Inspectorate to cooperate with authorities and institutions whose competence includes fighting illegal work of Polish citizens and foreigners as well as breaches of provisions related to their stay in the territory of Poland. Besides refinement of previous forms of cooperation, we have also planned development of new ones. It particularly refers to contacts with the **Border Guards and Police** in the area of counteracting breaches of provisions on foreigners. Cooperation with the Border Guards will also cover the issue of meeting essential requirements by goods imported to Poland.

Moreover, to raise the effectiveness of National Labour Inspectorate's activities related to inspecting legality of employment we will have to develop new forms of cooperation with the Social Insurance Institution, Agricultural Social Insurance Fund and relevant units of self-government authorities.

We will try to involve social partners in counteracting illegal employment (e.g. by concluding relevant agreements), especially in the construction sector.

Good cooperation with Parliament and the Government is of particular importance to our inspectorate. The structure of “*Work Programme*” enables NLI to undertake indispensable interventions following signals and problems reported to NLI by other authorities.

Our inspectorate will be developing and refining collaboration with the Ministry of Labour and Social Policy; it will consist, first of all, in giving opinions on draft legal acts and providing materials on results of conducted inspections as well as information on the practical implementation of labour law provisions.

Just like in previous years, NLI’s representatives will attend meetings of the Tripartite Commission’s Teams which will be devoted to issues of observance of employee rights, work safety and legislative drafts related to labour protection.

NLI’S INTERNAL ACTIVITY

Our internal activities are, first of all, aimed at improving the inspectorate’s work by internal audits and training of staff.

Internal audits will be focused on assessing the effectiveness of functioning of NLI’s organizational structures, correctness of inspection-supervisory processes and financial management.

A **training plan** for 2009 will take into account priorities of activity and needs reported by NLI’s organizational units.

Improvement of employees’ professional knowledge will be achieved through:

- central training courses – for representatives of all NLI’s organizational units,
- internal training courses – organized in accordance with local needs in district labour inspectorates, also on the basis of knowledge gained by participants of central training sessions,
- instruction and training consultancy meetings aimed at inspectors’ practical preparation for conducting visits in line with an annual schedule of tasks,
- participation in conferences, symposia and seminars.

In order to ensure high quality of training, the National Labour Inspectorate will cooperate with scientific-research institutes, universities and other authorities dealing with labour

protection issues. We will also make every effort to **obtain EU funds** for training of inspectors as well as preventative tasks.

Bearing in mind NLI's needs, we will create opportunities for staff to broaden and perfect their knowledge and professional qualifications by enrolling for higher and post-graduate studies.

Work connected with **developing the NLI's information technology system** will be continued in 2009. It will include:

- a. maintenance and expansion of the NLI's IT communication network;
- b. adjustment of the office for processing of documents in an electronic form;
- c. expansion and modernization of computer hardware and purchase of software;
- d. IT training meetings.

Within the framework of above actions our inspectorate has envisaged to:

- update and unify Microsoft Windows servers and software;
- purchase personal computers and laptops for labour inspectors (also during replacement of too old and faulty pieces of equipment if their repair is uneconomical);
- purchase a database of legislation;
- modernize a library base;
- participate in training sessions, meetings and conferences related to IT.

NLI will put in place a programme, developed in-house, which can support inspection-supervisory and preventative activities of inspectors, yet NLI will continue work on its enlargement with modules so as to increase its usefulness.

INTERNATIONAL COOPERATION

In 2009 the National Labour Inspectorate will be working to meet its existing obligations resulting from Poland's membership in the European Union, in particular those related to implementation of the European strategy on safety and health at work for 2007-2012, taking

account of the “Common Principles for Labour Inspection in Relation to Health and Safety in the Workplace” drawn up by the Senior Labour Inspectors’ Committee (SLIC). International cooperation will comprise exchange of experiences in the area of occupational safety and health and inspection of legality of employment.

NLI’s membership in the **Senior Labour Inspectors’ Committee** implies participation of the Committee members – representatives of the National Labour Inspectorate in its plenary meetings as well as participation of the labour inspectorate’s representatives in meetings of SLIC’s working groups dealing with: manual handling of loads, enforcement of community legislation, machinery directive and assessment of labour inspection systems in EU Member States (an NLI’s representative will take part in the assessment of labour inspectorate in Malta).

In 2008 the National Labour Inspectorate took over the **leadership of the European campaign „Manual Handling of Loads”**, therefore in the first quarter of 2009 at the NLI’s Training Centre in Wroclaw our inspectorate will organize a seminar to sum up the two-year campaign of the Senior Labour Inspectors’ Committee together with representatives of labour inspections from the EU Member States.

Moreover, in 2009 NLI will join implementation of another SLIC’s campaign on occupational risk assessment related to chemical hazards.

National Labour Inspectorate’s representatives also take part, following recommendation of other national authorities (the so-called leading institutions), in meetings of the **EU Council’s** working groups dealing with the directive on personal protective equipment and machinery directive. In addition, NLI participates in work of Administrative Cooperation Groups ADCO for: machinery directive, lift directive and PPE directive, as well as meetings of National Experts Group for implementation of the directive on posting of workers within the framework of the provision of services.

In agreement with the Central Institute for Labour Protection-National Research Institute, NLI will carry out actions related to the European campaign on occupational risk assessment implemented under the auspices of the European Agency for Safety and Health at Work in Bilbao.

A project devoted to fighting trafficking in persons and forced labour will be conducted in cooperation with the **International Labour Organization**. It is coordinated by the Italian Ministry of Labour and Equal Opportunities. The project stipulates meetings of a group of

experts in order to develop a guide on good practices related to the problem of trafficking in humans and forced labour.

With the participation of the NLI's Training Centre in Wrocław, we will be developing cooperation conducted within the framework of an international network of training institutes on labour protection (**RIIFT**). The National Labour Inspectorate's delegation will take part in two meetings of the training institutes' network.

In the area of **inspecting legality of employment**, we will cooperate with partner authorities that have a significant experience in fighting "illegal employment" – with inspectorates from the Netherlands, Belgium, France, Italy and Spain.

In order to create an effective system for exchanging information on **workers posted** to provide services (in line with Directive 96/71/EC), relevant agreements concluded with the Netherlands, Belgium and Norway will be implemented in 2009. For the same year our inspectorate has also planned to negotiate and sign an information exchange agreement with France, Italy and Spain.

NLI and European inspectorates will continue cooperation which consists in exchange of experience and joint **preventative actions** in particular referring to accident prevention in the construction sector, prevention of major industrial accidents and informational activity addressed to private farmers. NLI has planned to exchange experiences in those areas with the **British Health and Safety Executive and Irish Health and Safety Authority**.

In connection with preparations for the UEFA EURO 2012, we have envisaged working meetings so as to learn about European inspectorates' experience gained during supervision and inspection of large construction investments (it refers to **Germany** – UEFA World Cup Final in 2006 and **Austria and Switzerland** – co-organizers of UEFA EURO 2008).

Cross-border cooperation with the Czech Republic, Germany, Lithuania, Slovakia and Ukraine will be conducted at the level of district labour inspectorates. In particular, we will be popularizing best practices developed in cooperation with the Lithuanian inspectorate, such as: exchange of lecturers, meetings of subject-focused teams and use of preventive tools positively tested by the cooperating inspectorate.

**List of topics
implemented by the NLI
as part of its routine activity in 2009**

1. Analyses of circumstances and causes of work **accidents**:
 - A. involving employees;
 - B. involving persons performing work on other basis than an employment relationship and self-employed individuals;
 - C. near misses;
 - D. inspections of compliance with provisions of the Regulation of the Council of Ministers dated 28.07.1998.

2. Inspections of compliance with OSH provisions during removal of products containing asbestos from buildings and industrial structures.

3. Verification of correctness of information – submitted to ZUS by employers – containing data used to determine **contribution to accident insurance** (ZUS IWA form).

4. Inspections of **conformity of erected buildings with the architectural plans**.

5. Inspections of new machines, devices and personal protective equipment focused on their conformity with **essential requirements** – actions implemented within the framework of market surveillance during:
 - A. inspections connected with issuing opinions upon request of customs authorities;
 - B. monitoring inspections following receipt of information about faulty products,
 - C. in other cases.

6. **Training** in the field of occupational safety and health.

7. Observance of provisions on the **employment of disabled persons**:
 - A. inspections of enterprises that have the status of protected work companies,
 - B. inspections of enterprises that have applied to obtain the status of protected work companies,
 - C. inspections of enterprises that neither possess nor have applied to obtain the status of protected work companies, yet are adjusting workstations to the needs of disabled workers,
 - D. inspections of enterprises that have the status of protected work companies and are establishing new divisions or other organizational units (“extension” of the status),
 - E. inspections of enterprises that have the status of protected work companies and are preparing new workstations for disabled workers,
 - F. inspections of enterprises that have applied for the status of “occupational activity” company or those which, while possessing such a status, have applied for its extension to other buildings, workrooms or workstations,
 - G. inspections of enterprises that have the status of “occupational activity” company.

8. Occupational **risk** assessment.
9. Inspections of **work carried out in publicly accessible places** (public hazards).
10. Implementation of tasks of OSH **services**.
11. Observance of employee rights related to **parenthood**.
12. Observance of labour law provisions on the employment of **juvenile workers**.
13. Inspections of **legality of employment** and other paid work.
14. Inspections of **legality of employment**, other paid work and performance of work by **foreigners**.
15. Inspections of compliance with the act on **biocides**.
16. Carrying out tasks of a **liaison office**.
17. Inspections of observance of requirements related to safety during **road transport of dangerous goods**.
18. Inspections of entities subordinate to:
 - A. Ministry of National Defence;
 - B. Ministry of the Interior and Administration;
 - C. Police;
 - D. Internal Security Agency;
 - E. Border Guards;
 - F. Prison Service.
19. Observance of provisions on **leaves**.
20. Inspections connected with **examination of complaints**:
 - A. of employees (excluding the disabled ones),
 - B. of trade unions,
 - C. of former employees,
 - D. anonymous ones,
 - E. of disabled employees,
 - F. concerning failure to execute labour court judgements,
 - G. other complaints.