

Visit of a delegation from the Federal Ministry of Labour and Social Affairs to the Chief Labour Inspectorate

The topics of the meeting pertained to, among others, the so-called fair mobility, i.e. the problem of employing mobile workers, including in the care sector, as well as the inclusion of disabled persons in the labour market.



The Federal Government faces many challenges in the transformation of the labour market, particularly digitalisation, as well as the effects of the COVID-19 pandemic and its impact on the German economy. Currently, one in eight German citizens has a disability certificate, so creating framework conditions for these people to function in the labour market seems to be a priority task for the Bundestag. The exchange of information and experience with the Member States, including Poland, is one way of achieving this objective.

Furthermore, a ruling by the Federal Labour Court on 24 June 2021, stating that people working in the home care sector around the clock should also be paid for time spent on standby duty, is a signal that the existing system of non-institutional care in Germany needs to be adjusted. According to the German delegation, in view of the large number of Polish carers working in Germany (estimated at around 300 000), work on new solutions should be undertaken in cooperation with the competent institutions in Poland.

During the meeting, the Deputy Chief Labour Inspector presented the statutory tasks of the National Labour Inspectorate, the scope of competencies of Polish inspection services, and characterised the position of the Office as a body independent from the government

administration. He also answered a number of questions concerning, among other things, sanctions applied by labour inspectors in the case of recognised infringements of labour law, and procedures with regard to employee complaints; he emphasised the importance of the preventive activity of the office, carried out both in the form of information-and-control campaigns, as well as preventive and educational programmes, and also counselling for native workers and foreigners working in Poland.

In the second part of the meeting, **Dariusz Górski, Director of the Legality of Employment Department**, presented data on workers posted to work in the territory of Germany in 2020 (more than 108,000 A1 certificates issued by the Social Insurance Institution) and discussed the NLI's cooperation with the German liaison institution, i.e. the General Customs Directorate in Cologne, which is competent to exchange information on workers posted in the framework of the provision of services, including those employed in the care sector. In his speech, he highlighted the problems related to different models of employing Polish citizens working in Germany in the care sector, emphasising the need for support from the German institution, especially in cases where arrangements made in the country of work are necessary to resolve key issues such as the nature of employment in Germany (temporary or permanent), the actual employer (in a situation where the German employment agency continues to be the link between the Polish entity commissioning the work and the German family of the charge themselves), the form of sending to work abroad (actual or apparent posting). He also pointed to barriers, both on the Polish and German side, including of legislative nature, the consequence of which is the fact that the rights of persons providing work in this sector are not sufficiently protected.

The representative of the Federal Ministry of Labour affirmed the need for information exchange and mutual support of activities, especially in the care sector.

The meeting was also attended by **Izabela Waga, Deputy Director of the Supervision and Inspection Department** and **Marta Chodorowska, Head of the International Cooperation Unit in the Chief Labour Inspector's Cabinet**.