

# REPORT ON THE NATIONAL LABOUR INSPECTORATE'S ACTIVITY IN 2013

## (Executive summary for ILO)

The National Labour Inspectorate is an authority established to **supervise and inspect the observance of labour law**, in particular occupational safety and health regulations and rules, as well as regulations on legality of employment and other paid work in the scope specified in the Act of 13 April 2007 on the National Labour Inspectorate (Journal of Laws of 2012, item 404, 769 and 1544).

The National Labour Inspectorate **reports to the Polish Parliament**. Supervision over the National Labour Inspectorate in the scope specified in the NLI's Act is exercised by the **Labour Protection Council**, appointed by the Speaker of Parliament.

**The National Labour Inspectorate is managed by the Chief Labour Inspector (appointed by the Speaker of Parliament)**, who is assisted by the deputies.

The Chief Labour Inspector is a member of the EU Senior Labour Inspectors' Committee (SLIC).

"Annual Report on the NLI's activity" is submitted to the SLIC's Secretariat each year.

The Speaker of Parliament has issued the NLI's statute, which specifies its internal organisation, seats and areas covered by the competence of each District Labour Inspectorate.

The NLI's organisational structure comprises: the Chief Labour Inspectorate, 16 District Labour Inspectorates, 42 sub-district offices, and the NLI's Training Centre named after prof. Jan Rosner in Wrocław.

There are the Chief Labour Inspector's permanent opinion-giving and advisory bodies, such as:

- the Chief Labour Inspectorate's Top Management Board;
- the Chief Labour Inspector's Legal Commission,
- the Chief Labour Inspector's Commission for Occupational Safety and Health in Agriculture,
- the Chief Labour Inspector's Council for Work Safety in Construction.

**District Labour Inspectors** manage activities of respective District Labour Inspectorates and supervise the work of labour inspectors.

The National Labour Inspectorate's tasks comprise, in particular:

- **supervising and inspecting compliance with labour law**, including regulations and rules of occupational safety and health, regulations on the employment relationships, remuneration for work and other benefits resulting from the employment relationships, working time, leaves, employee rights related to parenthood, employment of juveniles and disabled persons;
- inspecting **legality of employment**, other paid work and conducted economic activity;
- inspecting legality of employment, other paid work and work performed by **foreigners**;
- inspecting **registers of employees performing work in specific conditions** or work of specific nature;
- inspecting **products** placed on the market from the point of view of their compliance with essential or other requirements related to work safety and hygiene, specified in separate provisions;
- taking actions to prevent and eliminate hazards in the working environment, in particular:
  - examining circumstances and causes of **work accidents** and occupational diseases and inspecting the application of measures which are to prevent accidents and occupational diseases,
  - **initiating research works** focused on observance of labour law, in particular work safety and health regulations,
  - initiating actions for labour protection in **private farming**,
  - providing **guidance** and information concerning labour law and work safety,
  - undertaking preventive and promotional activities to ensure compliance with labour law;
- **cooperating with environmental protection authorities** in inspecting employers' compliance with provisions on the prevention of environmental hazards;
- inspecting observance of work safety and health requirements specified in the *Act of 22 June 2001 on **genetically modified organisms***;
- **issuing opinions on draft legal acts** related to labour law;

- exercising the right to bring a **lawsuit**, and – with the interested person’s consent – participating in proceedings in a labour court in cases for establishment of an employment relationship;
- **cooperating with EU Member States’ authorities** responsible for supervision of terms and conditions of employment of workers;
- **pursuing offences** against employee rights specified in the Labour Code and other acts as well as participating in legal proceedings regarding such offences in the role of a public prosecutor.

In line with the *Act on the NLI*, the Labour Inspectorate’s supervision in the area of OSH and legality of employment covers not only employers, but also entrepreneurs not being employers and other entities for which work is performed by natural persons, including those who conduct economic activity on their own account, regardless of the basis for carrying out work.

NLI’s inspections also cover:

- entities offering employment services, personnel consultancy, vocational advice and temporary employment in the meaning of art. 18.1 of the *Act of 20 April 2004 on the promotion of employment and labour market institutions* – with regard to observance of the duty specified in art. 10.1 point 3d and 3e of the *Act on the National Labour Inspectorate*;
- entities directing persons to obtain practical skills, in particular during apprenticeship for graduates, vocational practical training or traineeship not being employment or other paid work – with regard to issues mentioned in art. 19d and 85.2 of the *Act of 20 April 2004 on the promotion of employment and labour market institutions*.

During implementation of tasks, the National Labour Inspectorate **cooperates** with trade unions, employers' organizations, self-government bodies of workforce in companies, workers' councils, social labour inspection, public employment services in the meaning of provisions on the promotion of employment and labour market institutions, and with public administration authorities, especially regulatory authorities responsible for working conditions, the Police, Border Guard, Customs Service, fiscal offices, the Social Insurance Institution, and local self-government authorities.

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In 2013, NLI's inspection and preventive activity was carried out **in accordance with the annual and long-term work plan**, elaborated on the basis of: analysis of the outcome of previous activity, comments and recommendations of the Labour Protection Council and parliamentary committees (especially the Committee for State Supervision), as well as proposals presented by trade unions, employers' organizations, ministries and central offices, authorities for supervision and inspection of working conditions, scientific and research institutes.

**In 2013, the National Labour Inspectorate fulfilled all tasks included in the work plan.**

In the reporting year, NLI's inspectors carried out **89.9 thousand inspections** of over **69.1 thousand** employers and other entities engaging **4 million** individuals.

In connection with identified infringements of **occupational safety and health** provisions, labour inspectors issued over **314.5 thousand decisions**.

District Labour Inspectors issued **18 decisions ordering to stop activity** or a specific type of activity. **The majority** of those decisions (10) were related to small enterprises engaging up to 9 employees. Most of those companies (13) were private ones.

It should be emphasised that the National Labour Inspectorate is very cautious in using the legal instrument in the form of a decision ordering to stop activity, because although such decisions are aimed at protecting employees' health and safety, they most often result in the liquidation of work posts, and in consequence in the loss of jobs. Therefore, issuance of a decision ordering to stop activity is the last resort in situations when other legal measures have been ineffective.

In addition to decisions concerning work safety, in 2013 labour inspectors issued almost **10.6 thousand decisions ordering to pay** remuneration or other employment-related benefits. The decisions concerned **the total amount of 196.1 million PLN due to 120.8 thousand employees**.

The *Act of 19 December 2008 on bridging pensions* imposed the duty on the NLI, as of 1 January 2010, to inspect registers of employees performing work in special conditions or of special nature, to issue decisions ordering to include an employee in such a register, to remove an employee's name from the register or to correct an entry made in the register.

In 2013, acting within the limits of their powers, NLI's inspectors issued **187 decisions** on such matters. In 86 cases labour inspectors ordered to include employees in such registers, in 48 cases they issued decisions refusing to include employees in such registers, and in 53 cases they decided to discontinue proceedings.

Moreover, labour inspectors addressed over **60.8 thousand improvement notices** to inspected employers, with **289.7 thousand instructions** to remove the identified irregularities.

Additionally, NLI's inspectors are also empowered to issue verbal instructions for inspected employers concerning irregularities which can still be eliminated during an inspection visit or immediately after its completion. In 2013, labour inspectors issued almost **9.7 thousand verbal instructions**, mainly with regard to matters related to employment relationships and amounts due to employees.

In the course of inspections, NLI's inspectors identified **88.6 thousand offences** against rights of persons performing paid work. Consequently, labour inspectors imposed fines on 18 954 perpetrators in the form of **penalty tickets**, submitted 3767 **motions to courts asking to punish the offenders** and applied 16 115 **disciplining measures**.

According to data as of 30 April 2014, having considered motions submitted by NLI's inspectors in 2013, **the courts** punished 3414 perpetrators with a fine and 64 perpetrators with a rebuke. The courts found the perpetrators guilty of committing infringements in 50 cases, yet they resigned from penalising them, and 52 persons were acquitted.

The overall amount of fines imposed by **courts** was over **7.4 million PLN**. On the other hand, in 2013 penalty tickets imposed by **labour inspectors** totalled over **22.5 million PLN** (the average amount of fine imposed by court was 2 180 PLN and the average amount of the penalty ticket was 1 186 PLN).

In the reporting year, labour inspectors lodged **776 notifications** of the suspicion of crimes with the **prosecutors' offices** (in comparison to 987 in 2012 and 1 087 in 2011). 179 proceedings have been initiated and they are still on-going; in 80 cases the prosecutors refused to initiate proceedings, 294 proceedings were discontinued; 171 indictments were sent to courts (data as of 30 April 2014).

Having examined indictments submitted by prosecutors' offices, the **courts** (as of 30 April 2014) found 51 defendants guilty of deeds of which they were accused: 33 defendants were penalised with **fin**es and 18 defendants with **suspended imprisonment penalty**. There were no cases of **restriction of liberty**. Moreover, 15 perpetrators were found guilty, yet the courts **conditionally discontinued penal proceedings**. Additionally, one case was discontinued and in one case the defendant was acquitted.

In the reporting year, NLI's inspectors brought **240 lawsuits** in competent courts concerning **establishment of an employment relationship for 440 persons**.

In 2013, the National Labour Inspectorate received almost **44.1 thousand complaints** (44.3 thousand in 2012) in which the complainants raised **96.1 thousand issues** requiring intervention of the Inspectorate. In connection with lodged complaints, labour inspectors carried out over 27.3 thousand inspections (which represents over 30% of all inspections conducted in the reporting year).

In the reporting year, the National Labour Inspectorate received:

- **152 motions to register company collective labour agreements** and 1257 motions to register additional clauses;
- **292 motions to issue permits** to perform work or other paid activities by a child below 16 years of age;
- **1762 motions asking for consent to have only electrical lighting in workrooms used for permanent work or to locate workrooms below the ground level of the surrounding area**.

During **7 794 inspections** of employers – payers of contributions for accident insurance, labour inspectors verified correctness of information included in ZUS IWA forms which the Social Insurance Institution (ZUS) takes into account **to establish individual accident insurance premiums for entities** that registered at least 10 workers with the social insurance system.

Labour inspectors verified data included in ZUS IWA forms concerning the number of insured workers registered for accident insurance purposes, the total number of victims of work accidents (including fatal and serious ones), the number of workers engaged in hazardous conditions, the type of activity, other identifying and address data.

In total, the NLI identified 267 **cases that incorrect data was reported to ZUS** in 214 ZUS IWA forms. Information on irregularities as well as correct data were forwarded to organisational units of ZUS.

In 2013, labour inspectors took avail of the possibility to ask ZUS **to raise accident insurance contributions** with regard to 164 employers. Submission of such requests resulted from the fact that glaring infringements of OSH provisions had been identified in those enterprises during two subsequent visits.

Labour inspectors and NLI's specialists provided over **1.2 million pieces of advice free of charge** to employees, employers and other concerned entities. This included almost 952 thousand pieces of advice on legal matters and over 255 thousand pieces of advice on technical matters.

Moreover, in the reporting year, labour inspectors:

- **investigated circumstances and causes of 1 888 work accidents** in which 2319 persons were injured, including 735 seriously injured individuals and 315 fatal victims;
- carried out 23.4 thousand inspections during which they examined the legality of employment and other paid work of Polish citizens.
- verified the legality of employment of over 177.7 thousand persons, including over 38 thousand of those performing work on the basis of civil law contracts or self-employed individuals.
- Inspected the compliance with the obligation of payment Labour Fund contributions of 414.6 thousand persons.

**The most harmful forms of illegal employment from the point of view of protecting employee rights** i.e. employment without a written confirmation of the type of the employment contract and its terms, and failure to register a person employed or performing other paid work with a social insurance scheme **were detected in 18% of inspected entities**. Such irregularities concerned **7.4%** of individuals covered by inspections, that is approximately **13.1 thousand workers**.

**2026 inspections of legality of employment and other paid work of foreigners** were carried out.

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Statistical data on the results of inspectors' work does not reveal the whole array of NLI activities aimed at eliminating irregularities in employment and risks to workers' health and life but it is an important indicator showing the scale of non-compliance with labour law in inspected enterprises, but at the same time it is a measure of the effectiveness of inspection activities.

In 2013, NLI inspectors eliminated the following infringements of law:

- irregularities related to occupational **risk assessment** (with regard to 360.8 thousand employees);
- provision of inappropriate **OSH training** or lack thereof (with regard to 102.8 thousand employees);
- inappropriate **medical examination** of workers or lack thereof (with regard to 44.1 thousand employees);
- **outdated examinations** and measurements of factors harmful to health or lack thereof (with regard to 40.3 thousand employees);
- **unreliable running of working time register** (with regard to 51.5 thousand employees);
- inappropriately **drawn-up employment contract** (with regard to 34.9 thousand employees);
- wrong contents of the **employment certificate** (with regard to 30 thousand employees);
- **failure to run a working time register** (with regard to 19 thousand employees).

It should be particularly underlined that quick responsive actions of labour inspectors resulted in the **elimination of immediate risks to the safety and health of 68 thousand employees** in inspected enterprises.

Moreover, labour inspectors enforced the **payment of salaries** and other employment-related benefits amounting to **164 million PLN** in total to **116 thousand employees**.

Simultaneously, the National Labour Inspectorate enforced the payment of amounts due to state funds. The payers paid outstanding contributions to the **Labour Fund** for **39.6 thousand employees** – in the total amount of **3.8 million PLN**. Moreover, **3.5 million PLN** was paid as outstanding contributions to **social insurance** for **7.5 thousand employees**.



Various **irregularities in the area of legality of employment** and **observance of the Act on the promotion of employment and labour market institutions** were eliminated with regard to **115 thousand** workers in total.

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Amongst varied NLI's **promotional and preventive activities** supporting the supervision and inspection actions, campaigns aimed at shaping the safety culture amongst employers and employees and raising the OSH awareness are of vital importance. The campaigns draw attention to risks that frequently occur in the working environment, promote the concept of shaping employment relationship with a view of compliance with the rule of legal employment as well as promoting awareness on occupational risks. In its informative and promotional tasks, thanks to financial resources granted for these activities, the NLI uses media tools such as radio, TV, Internet and banners.

In 2013, the National Labour Inspectorate organized 3 main social campaigns for different target groups:

- **“Work safety depends on you”** campaign which was addressed to workers and their direct supervisors, employed in high-risk sectors, particularly in the processing industry. The campaign's goal was to inspire changes of attitudes towards work safety through popularization of positive behaviours and overcoming the stereotypical neglect of OSH matters as well as strengthening the responsibility for safe work of all participants in the work process.
- **“Before you start your first job”** campaign which was addressed to persons beginning their professional activity. It's primary objective is to draw attention to compliance with labour law regulations in employment, with particular attention to civil-law contracts and fixed-term contracts.
- **“Respect Life! Safe work on a farm”** social campaign which was addressed to farmers and persons performing agricultural works. The main objective of the campaign is to minimize accident risk and improvement of health protection of individual farmers and their family members as well as awareness raising in the scope of health protection and the rules related to safe work on farms as well as child safety.

In 2013, the National Labour Inspectorate continued developing its informative, educational and advisory activities targeted at individual farmers and rural society. Over 5.6 thousand visitations were paid (on farms, during farming works and those focused on agricultural transportation); during the visitations labour inspectors assessed work safety of almost 9.5 thousand persons.

In the course of the visitations, labour inspectors paid particular attention to the safety of children and youngsters. Moreover, the National Labour Inspectorate initiated numerous promotional and awareness-raising actions related to accident risks in individual farming.

The NLI arranged 107 competitions, in which approx. 3 thousand farmers took part. 11.3 thousand children and young persons from rural areas enrolled for 141 knowledge competitions and contests on OSH. Moreover, 227 art competitions were organised for 14.3 thousand of the youngest inhabitants of villages.

349 OSH training meetings were organised for almost 10 thousand private farmers, 117 lectures were given for 3.2 thousand students of agricultural schools and 441 talks were organised for over 18 thousand children from primary schools and gymnasiums in villages.

Caring for safety of the youngest, NLI's inspectors also gave 106 informal talks for approximately 4 thousand children in periods free from school, at scouting camps, summer and winter holiday camps.

In 2013, the National Labour Inspectorate implemented numerous preventive programmes, including **informative and preventive programme for the construction sector**. Small enterprises (i.e. employing up to 49 workers) were offered assistance in increasing work safety standards and adaptation to binding legislation through free of charge participation in training events and in the programme aimed at the improvement of working conditions. Over 1000 employers and entrepreneurs were trained and provided with checklists facilitating the self-inspection of OSH standards.

Approximately one hundred of large construction projects including road and bridge investments as well as construction of large shopping malls in centres of big cities, exhibition halls and sport venues were covered by direct supervision and surveillance of labour inspectors.

176 training meetings were organized for almost 4170 recipients – mainly employers and entrepreneurs that did not employ workers (2700 persons), construction workers (1997 persons), OSH representatives (280 persons). Information and educational actions covered pupils from construction schools (1063 pupils) and students of construction-related faculties (536). Issues of safety at work in construction were also popularized during construction fairs.

Special brochures were published for construction workers “*Construction. Mechanical transportation on a construction site.*” and “*Construction. Demolition works.*” Over 80 thousand copies of these NLI’s publications were disseminated among employers and employees in construction sector. All publications are available free of charge at the NLI’s website [www.pip.gov.pl](http://www.pip.gov.pl) and at the campaign’s website [www.bezupadku.pl](http://www.bezupadku.pl).

In the framework of a programme on the **elimination of negative effects of exposure to harmful factors in the working environment** the National Labour Inspectorate organized **70 training events for almost 3 thousand employers**, their representatives and **workers** of companies where excessive level of noise or other harmful factors have been identified (particularly dusts). Besides the aforesaid group of stakeholders, the events in question were also attended by social labour inspectors, adolescents employed in the framework of vocational training, pupils, students and teachers.

Moreover, 36 conferences were organized as well as informational and promotional stands at open days where almost 1100 persons were able to get familiarized with most efficient ways of limiting the negative effects of factors harmful to human health in the working environment.

In the framework of a succeeding edition of preventive programme for micro companies - “**Obtain the NLI’s diploma**” 501 employers were awarded the National Labour Inspectorate’s Diplomas.

In 2013, the National Labour Inspectorate assessed the achievement of objectives adopted in its prevention programs in companies which in the reporting year participated in one of the following programs:

- “Safety management in medium and large enterprises where work accidents have been recorded – preventive programme for medium and large enterprises”;
- “Communication and preventive programme in construction”;

- “Preventive programme on meeting minimum OSH requirements in relation to wood-working machinery and equipment”;
- preventive programme for micro companies – “Obtain the NLI’s diploma”.

In total, labour inspectors carried out **1 336 inspections verifying** the implementation of objectives of the aforesaid preventive programmes in 1 204 enterprises (i.e. 70 % of all participating entities).

In the course of implementation of preventive programmes, the National Labour Inspectorate organized 357 training events for almost **4.2 thousand employers and 2.7 thousand OSH representatives and employees**.

As each year, the National Labour Inspectorate organized numerous contests: “**Employer – organiser of safe work**”, **contest on the knowledge of labour law for pupils of post-gymnasium schools “Know your rights at work”**, the “**Most active company social labour inspector**”, “**Safe farm**”, a **contest for adolescent workers – addressed to adolescent workers employed in craft for purposes of vocational training**; training and publishing actions were also carried out.

The National Labour Inspectorate’s publications were elaborated with a view to support promotional campaigns and facilitating inspection activities. Totally, **803 thousand copies** of leaflets, brochures and posters were published in 2013. The total printing expenses amounted to PLN 679 400. 3 books, 24 brochures and 12 posters were published in the reporting year. These publications were available at District Labour Inspectorates.

The aim of **training activity**, which constituted an essential aspect in the NLI’s HR policy, is the awareness-raising and development of skills necessary for appropriate and efficient execution of NLI’s statutory tasks and shaping appropriate attitude of the staff.

Training is carried out in two basic forms i.e. **preparatory course for candidates for labour inspectors** (preparing candidates for the performance of work of a labour inspector) and various forms of **continual training**, including professional specialization programmes.

In the reporting year, the courses were attended by a total of 84 candidates for labour inspectors. Following the completion of the course, powers of a labour inspector were bestowed upon 57 persons (courses initiated in 2012). Participants of the course launched in 2013 will take their final examinations in 2014.

**Professional specialization** of the NLI's staff is mainly carried out by participation in training events scheduled in the central plan (for representatives of individual organizational units of the NLI) and internal plans (in line with the given unit's needs).

In the reporting year 127 **central training events** were organized, which were attended by the total 1 705 NLI's workers; most training events were held at the NLI's Training Centre (112) and covered 1 636 persons.

Besides **professional specialization** training events, approximately 1 200 NLI's workers participated in:

- **external training events;**
- **symposia, conferences and seminars.**

**Internal training** events organized by organizational units of the National Labour Inspectorate covered approximately 2 000 workers.

Additionally, the **Training Centre of the National Labour Inspectorate named after Professor Jan Rosner in Wrocław** organized in the reporting year 38 training events on the protection of labour that were addressed to social partners of the National Labour Inspectorate. The said training events were attended by employers, workers of OSH services, OSH and ergonomics experts as well as HR workers and social labour inspectors.

The National Labour Inspectorate performs systematic work to ensure support of the authority's activity with **IT tools**. Owing to limited funds allotted to the NLI in the budget previous purchases of the IT equipment were only able to satisfy the most essential needs ensuring current maintenance of IT infrastructure.

It should be mentioned that in 2010 work was commenced to build a uniform network-system-server structure which would form the basis for implementation of further IT-related projects.

The construction of a new extensive network NLI WAN was completed on 31 March 2013. Its structure is based upon 64 interconnected safety lines with the use of ciphered VPN

routes (to ensure safe internet connection); this constitutes the basis for implementation of further IT systems for the NLI.

In the reporting year, documentation circulation processes in NLI's organizational units were mapped and technical requirements for the system of electronic circulation of documents were determined. Completion of works aimed at the implementation of electronic document circulation is planned in 2016.

'The plan for IT capacity building for the NLI in 2011-2013 included, among others:

- Building the NLI's portal based on content management system (CMS) with the division into internet and intranet portals;
- Replacement of obsolete email system.

In the reporting year, the National Labour Inspectorate carried intensified work related to building an integrated management system supporting the financial and HR management (a comprehensive financial and accounting system). The system was introduced and is used in NLI's organizational units (1<sup>st</sup> stage of implementation). Completion of the 2<sup>nd</sup> stage is scheduled to take place in June 2014.

NLI's organizational units were equipped with new hardware (servers, laptops, PCs, switches, multi-functional equipment) and software. This allowed the NLI to withdraw the oldest hardware and provide workers with newest software, thus enabling them to increase the efficiency of execution of their tasks.

In 2013 the National Labour Inspectorate fulfilled its obligations arising from Poland's membership in the European Union and international organizations dealing with broadly understood protection of labour as well as bilateral agreements on the **cooperation** and exchange of information **with foreign partners**. NLI's activities at the world-wide level consisted in participation in various international projects aimed at popularization of well-proven solutions and *best practices* of other inspectorates.

At the same time bilateral cooperation with foreign partners was conducted both at the central and regional level.

The Committee of Senior Labour Inspectors (SLIC), which affiliates the heads of labour inspectorates across EU/EEA, constitutes a forum for discussion, exchange of experience and decision making in terms of joint EU initiatives for the improvement of labour protection.

In May 2013, the Inspectorate's delegation took part in the 64th Meeting of the Senior Labour Inspectors' Committee in Dublin (Ireland). The Thematic Day was organised under the slogan „ITC and labour inspections”. The conference was devoted to sharing experience on innovative uses of technologies to support labour inspections, employers and employees in the period when administrative costs are being reduced. Moreover, during the SLIC Plenary Meeting in Dublin, the Committee decided to set up a new Working Group to prepare the SLIC campaign under the slogan „Slips and falls on the same level”, planned for year 2014. Poland volunteered to join that Working Group.

In November 2013, Vilnius (Lithuania) hosted the SLIC members at their 65th Plenary Meeting and the Thematic Day titled „Investment in Health and Safety: Economic Slowdown vs. Decent Work”.

Between 30 September and 4 October 2013, a team of SLIC experts from 9 member states of the EU: the United Kingdom, Cyprus, Denmark, Finland, the Netherlands, Malta, Germany, Portugal and Slovakia came for an evaluation visit to the NLI. Its objective was to determine whether the EU provisions in the area of OSH are effectively implemented and enforced at the national level. The team of SLIC experts appraised very positively a number of good practices and NLI's strong points and it confirmed that in all essential aspects the Polish labour inspectorate met the Community rules in the area of work safety and health.

In 2013, the National Labour Inspectorate also took part in the following international projects:

- “Posting of workers. Enhancing cooperation between social partners and public authorities”. This was implemented in cooperation with the French Institute of Labour, Employment and Vocational Training (INTEFP).
- “Rights of migrants in practice” (co-financed from the European Fund for Integration of Third Country Citizens).
- “Putting Rantsev into practice”, prepared together with the Ministry of the Interior, the Border Guards and the Police (on the Polish side), as well as the Dutch Ministry of Safety and Justice and the Cypriot Ministry of Internal Affairs. The main component of

the project was an international conference on trafficking in human beings, held in Amsterdam.

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Observance of labour law provisions in 2013 was to a large extent influenced by the effects of economic crisis. The expected improvement of economic outlook, after several years of hardship faced by entrepreneurs, did not have a significant impact on reducing the scale of breaches of labour law. Reduction of labour costs still remains the priority for many employers – sometimes achieved through organisational changes, reduction of employment, as well as activities which are unlawful or slightly evade the law (e.g. abusing civil law contracts or fixed-term employment contracts concluded for too long period of time). Gaps in legislation and inconsistencies in its interpretation are conducive to the above-mentioned phenomena.

Some employers still **do fail to pay salaries to their workers** (14% of inspected companies) or payment of salaries is delayed (15%). It has to be highlighted, in the light of introduced possibility to prolong calculation periods (for no more than up to 12 months), that almost 1/3 of employers did not pay salaries to their workers for overtime.

Inspections conducted in 2013 also showed **a large number of civil law contracts concluded in conditions typical of an employment relationship** (that problem concerned every fifth inspected employer). In the opinion of labour inspectors, such activities result from intentions to avoid duties (stipulated in the labour law and social insurance provisions) related to the employment of workers, and also by attempts to economise on costs. It has to be emphasised that when such contracts are replaced by employment contracts, following a court judgement on the existence of an employment relationship or following implementation of an instruction or verbal order issued by a labour inspector, it is rarely possible for the employees to obtain salaries (in particular for overtime work) which would compensate for such amount of working time as stipulated in the concluded civil law contract. The provisions do not require to register work performed on the basis of civil law contracts, which in most cases prevents the parties concerned from enforcing the related claims.

In the reporting year, for the first time ever the NLI conducted planned inspections focused on examining compliance with labour law provisions concerning **employment contracts for a trial period, period of performance of specific work tasks and fixed-term contracts**. The NLI obtained data on various types of contracts concluded for a fixed term by inspected employers. **The NLI is concerned about a large number of long-term contracts, concluded for over 5 years** (including also those signed for 10 years, and sporadically,



even for 20 years). According to labour inspectors' findings, such contracts constituted over 13% of all fixed-term contracts concluded in the inspected companies.

In 2013, **the provisions on working time were significantly amended**. The government's intention was to make organisation of working time in enterprises more flexible, to increase competitiveness of companies and to facilitate the maintenance of existing and creation of new jobs. Yet, the provisions which came into force raise a number of doubts on their correct observance. It has to be emphasised, as it was proved by causes of irregularities identified by labour inspectors, that Section 6 of the Labour Code has been unclear for a long time, not only for employees and employers, to whom it is addressed, but also for persons who specialise in these issues. **The amendment does not solve the problem.**

Results of inspections focused on the observance of working time provisions do not give grounds to conclude that an improvement occurred. Moreover, inspections related to working time of engine drivers and employees of health care units confirm observations from the past, namely that the actual working time of some groups of employees may significantly exceed the norms specified in the Labour Code, in extreme cases leading to **a significant reduction of daily and weekly rest periods** (or situations when workers do not have rest periods at all). It is the outcome of continual performance of work based on different legal relationships (sometimes in the same place and under management of the same persons as in the case of an employment contract). It seems that such possibilities should be limited, at least for persons performing work requiring special psychological and physical efficiency.

**Registration of working time** continues to be a serious problem. Although the percentage of inspected employers who incorrectly keep the working time records has decreased since 2011 (from 51% to 41% in the reporting year), the scale of the problem is still disturbing.

In line with legal provisions, keeping working time records is particularly important, because all irregularities in this respect influence reliable calculation of employment related benefits and their amounts.

The scale of identified irregularities results from minimising costs of conducted economic activity, which was mentioned in the beginning, but it also results from **premeditated breaches of provisions in order to maximise profits, and also from incorrect work organisation**. Additionally, dominant causes of irregularities still include ignorance of legal regulations, their vagueness and frequent changes. Therefore, NLI's inspections verifying the

observance of provisions on legal protection of labour still have to be supported by educational and advisory activities.

In 2013, inspections focused on **legality of employment** proved irregularities in all examined areas.

In comparison with the year 2012, more enterprises entrusted work to natural persons **without confirming employment contracts in writing or without registering them with the social insurance system** (18 % of inspected companies in 2013, as compared to 16 % in 2012).

Among an increasing number of concluded civil law contracts (contracts of mandate, contracts for specific tasks), **contracts for specific tasks** are especially attractive for entrepreneurs, because they are not covered with a duty to pay social insurance contributions. In many cases they are concluded in order to evade labour law provisions in situations when work is actually performed in conditions typical of an employment relationship. They often serve entrepreneurs to avoid the duty to pay social insurance contributions, although they are in essence contracts which require diligent performance of work rather than achieving a result, and additionally, the object and fulfilment of such contracts suggest that contracts of mandate should have been concluded instead.

The NLI still identified a large number of cases when **unemployed persons** (registered in county labour offices) **take up employment**, other paid work or start economic activity and **fail to inform the relevant county labour office about this fact**.

In order to effectively reduce the economic grey zone, **systematic corrective activities** are needed as part of the programme addressed to a wide group of recipients, including employees, employers and public authorities caring for the rule of law.

To implement such a programme, the first necessary thing are **legislative changes**, especially the Labour Code amendments which would introduce a duty to conclude a written employment contract before actually allowing a person to start work; secondly the amendment should supplement the Labour Code with **a presumption of the existence of an employment relationship**. Another solution which may reduce the scale of breaches of art. 22 § 1 of the Labour Code would be to enact **legal regulations limiting profits for employers resulting from replacing employment contracts with civil law contracts** (e.g. obligatory imposition of social insurance contributions, specifying protective norms of working time and a minimum wage with regard to such contracts).

The proposed changes should be accompanied by **motivating activities targeted at entrepreneurs**, supplemented among others by a system of tax reliefs, subsidies, preferential credits for the creation of new jobs and entrusting work legally based on employment contracts. At the same time it is necessary to **instil an opinion in entrepreneurs' minds** that – due to the amount and nature of sanctions (e.g. a large fine, lack of possibility to submit tender proposals, obligation to refund subsidies from public funds) – **illegal employment does not pay off**.

In order to significantly reduce the above-mentioned negative facts, it is necessary to tighten the cooperation between public authorities whose remit covers legality of employment, in particular between NLI, ZUS, fiscal authorities and county labour offices. The cooperation should be directed at achieving the common goal which is the protection of the state budget from reducing amounts due on account of contributions and taxes and from illegal collection of benefits of social nature. A proposal to **give labour inspectors access to data** (concerning contribution payers and insured persons) collected in **ZUS records** still remains topical. The same refers to **data in county labour offices** (about unemployed persons, especially those receiving benefits), and to **information from fiscal offices** (about companies which are in breach of those provisions, in order to better choose enterprises for inspections). The above-mentioned access should be without the necessity to submit a separate application and wait for an answer. Experiences of other EU countries show that only the establishment of **an integrated system** and quick exchange of information gives a chance to limit employment in the grey zone and to protect budget incomes on the one hand, and **to build trust of citizens in public institutions and the rules of law** on the other hand.

In 2013, the National Labour Inspectorate's priorities in the **area of work safety and health** included inspections of such economic sectors and enterprise where occupational risk is very high, and infringements of provisions may have drastic consequences such as loss of health or even life.

**Examination of the circumstances and causes of work accidents** is one of National Labour Inspectorate's basic tasks. The object of analyses by labour inspectors were 1888 accidents, in which 2319 persons were injured, including 315 fatal victims and 735 victims seriously injured. Fatal accidents most often occurred in the construction and manufacturing sectors. Major events which directly resulted in accidents were: falls of victims from heights, slips and trips, and being hit by a falling object. As in previous years, the most common causes of examined accidents were: **human factors** (46,9%) and **organisational** ones

(41,5%). **Technical causes** related to faulty structures of machines or wrong technical solutions constituted 11.6%.

Owing to a high frequency of work accidents, the occurrence of a large number of occupational diseases and cases of exceeding norms for factors harmful to health, 55 enterprises were covered with **intensified supervision** for 3 years. Most irregularities were related to the condition of machines and technical equipment and work processes. The measures implemented to reduce exposure to noise, chemical factors and dust were not always effective. Following inspections, employers undertook corrective and preventive measures which helped to increase the safety of employees. One can expect that further intensive supervision of that group of companies will contribute to a significant improvement of working conditions.

In the framework of a long-term programme, the NLI also assessed safety **management in medium-sized and large companies** (with over 50 workers), where work accidents had occurred.

Inspections proved that a **great many such incidents may have been avoided if reliable post-accident procedures and occupational risk assessment had been put in place** to identify all existing hazards. Faulty procedures related to determining causes and circumstances of accidents make it impossible to specify adequate prophylactic measures and conclusions. Some employers only limited their response to taking temporary actions without implementing systemic solutions, which could effectively prevent accidents in the future, including those which are repetitive in nature.

**Construction** is subject to complex forms of NLI's influence. Labour inspectors conducted 5.7 thousand comprehensive inspections of construction sites. A lot of reservations referred to works performed with the use of scaffolding. Especially small entrepreneurs provided workers with old, worn-out and technically outdated scaffolding (tower scaffolding) and they rarely decided – due to high costs – to engage specialised companies to install scaffolding. Among the identified faults, attention is caught by improper collective protective equipment or lack of such equipment at all (e.g. balustrades, safeguards of passages and staircases and technological openings). Moreover, the employees were not always provided with personal equipment for head protection and with equipment preventing falls from heights. Additionally, they were not always qualified to operate construction machines.

One can mention the following causes of such a situation: conniving in deviating from the basic safety rules, insufficient coordination of work tasks conducted by subcontractors, neglecting short-term hazards typical of changeable places of work.

Moreover, there was an increase in the number of employers offering other forms of employment rather than employment contracts, that is civil law contracts and contracts with persons conducting economic activity on their own account. Persons engaged in such a way usually assume that observance of requirements and rules of OSH does not apply to them, which negatively influences overall safety on a construction site.

Owing to activities of labour inspectors, identified irregularities on inspected construction sites were eliminated. **Yet, the effects achieved are not permanent everywhere.**

Faults eliminated on one construction site appear on another construction site of the same employer or at the next phase of the same construction.

Therefore, in the construction sector, labour inspectors conducted inspections aimed at comprehensive assessment of safety, but also short visits focused on irregularities creating immediate hazards to safety or health of workers – and depending on needs – repeated inspections of the same employer (on the same construction site) in the following days or weeks in order to enforce permanent elimination of hazards. In the reporting year, 2855 inspections were carried out, whereas as much as 70% of them were follow-up visits (the second, third, and even fourth or fifth visit to the same employer who did not respect safety provisions). **Such pattern of inspections shall be continued in the next years, especially with regard to small construction firms**, which particularly often are in breach of the basic rules of safe work.

The adopted model of supervising large investments consisted in regular meetings with investors, designers, management and contractors, held at individual phases of the investment and it resulted in more involvement of all participants of the construction process in securing proper working conditions. **On such construction sites, investors and contractors usually conducted organisational and technical activities which significantly raised the safety level.**

Labour inspectors identified many infringements of provisions in **mining companies**. Inspections were planned in those branches of underground mines, where the largest number of work accidents was recorded in the previous year. They most often occurred when persons were hit and crushed by materials moving during transport or by lumps of coal falling from the roof and sides. Another most common cause of an accident was tripping and slipping. Analysis of accidents suggests insufficient compliance with procedures related to installation of casing in mining pits, correct and stable transport of materials and safety on communication routes. Irregularities also concerned the technical condition of machines and equipment used in mines. This attests to insufficient care on the part of supervising staff.

Priority is attached to securing continuity of technological processes, even at the cost of work safety. While inspecting mining companies, labour inspectors pay attention to systemic approach of employers to issues of work safety and health, consisting in effective management on the part of managers and employees' participation in reducing occupational risk in individual workstations.

Inspections also covered **companies providing services for underground mining enterprises**. External entities provided mining services, including, among others: drilling, alteration and strengthening of mining pits; operation and maintenance of machines; disassembly of casings and equipment from places where mining of minerals had been stopped. Labour inspectors identified irregularities in organisation of work and preparation and furnishing of work stations. In addition to that, employers did not observe provisions on working time, especially the ban on engaging persons for more than 5 days a week on average in the adopted calculation period.

In the reporting year, the NLI conducted further inspection and preventive actions in **petroleum enterprises**, acting jointly with the State Fire Brigades and Environmental Protection Inspectorate. The programme was implemented based on the "Declaration of agreement to improve work safety, fire protection and environmental protection in the oil and gas industry". Employers were able to make self-inspection based on checklists supplied to them and it significantly contributed to the reduction of the number of law infringements. Verifying inspections showed that only one employer did not take the opportunity to eliminate faults and shortcoming on his own. **The self-inspection method may be regarded as the NLI's effective tool to influence enterprises creating a high or heightened risk of a serious industrial accident.**

The above-mentioned inspectorates also undertook coordinated activities in selected nitric acid plants. They were based on the "Declaration of agreement to improve work safety, fire protection and environmental protection in the chemical sector", signed in October 2013. In order to encourage enterprises from that group to gradually improve safety, a checklist for self-inspection was developed and preventive initiatives were implemented. Results of inspections conducted after some time indicate that in most cases improvement was already achieved at the phase of corrective measures after self-inspection. Therefore, the programme will be continued.

Labour inspectors checked **chemical safety in enterprises** dealing with storage, production and application of chemical substances and their mixtures, and they conducted follow-up inspections of such entities assessed in the year 2012, where offences created the possibility that explosive atmosphere will occur in the workplace. More than half of enterprises inspected for the first time had difficulties with securing chemical safety. **It is disturbing that not all employers who use carcinogenic or mutagenic substances in production processes compiled documents, made measurements and made measurement results known to exposed persons.** Inspections in enterprises where explosive atmosphere may occur showed a very diversified state of work safety. Yet, it should be emphasised that **during follow-up visits the number of irregularities was much smaller.**

Positive effects of the National Labour Inspectorate's activities were also confirmed by follow-up inspections of **anti-explosion safety during joint burning of biomass and coal in power stations and heat and power plants.** A significant improvement was achieved in enterprises supervised for the following year.

It is important that after a catastrophe in "Dolna Odra SA" power station in 2010, the inspected employers undertook initiatives to modernise carburising devices and electrical power blocks together with accessory equipment for co-burning of biomass and coal; they also started to pay attention to biomass quality. Yet, so far there is no legal regulation which would define ignition and explosiveness parameters of biomass used as fuel.

In **gas enterprises**, according to the results of comprehensive inspections of compliance with OSH requirements for hazardous work with gas, during which gas may leak and cause explosion or fire, offences were related to work in excavations, during storage of pipes, documentation on equipment for anti-thunder protection for buildings which house gas stations and warehouses with technical gases, marking of buildings and technological rooms. Written instructions concerning hazardous work with gas, atypical and hazardous tasks were issued although they did not specify all measures necessary to prepare workplaces and did not appoint a supervising person.

In 2013, labour inspectors continued the assessment of **adjustment of machines to the minimum requirements of work safety and health.** Conducted inspections of about 4.3 thousand woodworking machines proved irregularities related to installation on those machines of suitable shields and other protective devices preventing from access to hazardous zones, and of working steering systems and emergency brakes. Especially small employers have problems with adjustment of machines to requirements.

Some reservations also concerned machines placed on the market or commissioned for use since 1 May 2004, which were inspected by the NLI **in the framework of market surveillance**. Some employers, purchasing machines, **paid more attention to their price than to compliance with the essential safety requirements**. Fewer offences were disclosed with regard to personal protective equipment among which hearing protective devices were especially examined.

**Newly-established companies** were inspected with regard to ensuring safe working conditions. Dominant among them were micro-firms (with up to 9 workers). Labour inspectors determined that workers had not been properly prepared for work (induction training, medical examinations). Almost half of inspected employers did not conduct indispensable examinations and measurements of factors harmful and hazardous to health; in every fourth company it was not ensured at all that tasks of OSH service would be fulfilled. Since a low level of knowledge among new employers and managers supervising workers is one of the causes of irregularities, first inspections shortly after commencement of activity serve both to enforce the law in cases of glaring infringements, and to offer practical support to employers interested in work safety. Such an approach is justified by results of subsequent inspections by labour inspectors. Although the employers visited again did not avoid offences altogether, yet their scale was small.

Based on results of inspections conducted by the National Labour Inspectorate in 2013, one can state that the work safety level – **despite some signs of improvement** in the form regularly decreasing numbers of work accidents and occupational diseases – is still unsatisfactory.

Inspections of the effectiveness of measures applied by employers to prevent work accidents still show a high level of irregularities.

It may be concluded from analyses of accidents examined by the NLI that persons who most often become accident victims had a short period of work in a given enterprise. Neglecting occupational hazards and focusing insufficient attention on the performed activity on the part of the victim is usually accompanied by the lack of appropriate devices designed for protecting machines and by the lack of adequate supervision.

The presented situation in the area of work safety and health requires that the National Labour Inspectorate:

- conducts further inspection and supervisory actions in those sectors of economy and enterprises where occupational hazards are most serious;



- effectively uses the measures to influence employers, relevantly to the types of identified irregularities and their causes;
- supports employers in the process of systemic management of work safety which is an effective tool to prevent accidents,
- develops cooperation with national and foreign authorities dealing with supervision and inspection, with research institutes and other organisations concerned with issues of work safety and health.

Among NLI's various promotional and preventative activities, supporting supervision and inspection, much importance is attached to campaigns aimed at developing safety culture among employers and employees, and disseminating knowledge of legislation and work safety rules. They also draw people's attention to the most frequent hazards existing in the working environment, promote the idea of establishing employment relations by respecting the rules of legal employment, and disseminate knowledge of occupational risk. In communication and promotional activities, the NLI uses mass-media tools (radio, TV, Internet, banners) owing to the fact that NLI received financial resources for that purpose.

In 2013, the National Labour Inspectorate conducted 3 social campaigns for various groups of recipients:

- campaign "**Work safety depends on you**" addressed to employees and their line managers engaged in sectors with a high level of occupational hazards, in particular in manufacturing. Its objective was to inspire recipients to change their attitudes to work safety by popularising positive forms of behaviour, which overcome fairly widespread negligence of OSH issues, and by enhancing the feeling of responsibility for work safety on the part of all participants of work processes;
- campaign "**Before you take up a job**" addressed to employees, including those commencing economic activity. Its basic objective was to highlight the issue of compliance with labour law when employing workers, with particular attention paid to concluding civil law contracts and fixed-term contracts;
- campaign "**Respect life! Safe work on a farm**" serving to popularise information on health protection and rules of safe work in agriculture and child safety on farms.

One of the basic tasks related to prevention is the reduction of hazards in the working environment, including prevention of work accidents and occupational diseases. This is done by disseminating knowledge of work safety, persuading people to change behaviour and developing desired attitudes of employers and employees, resulting in real improvement of

working conditions. This is a long-term and difficult task but, as the time has shown, with tangible and permanent effects.

As may be concluded from data on inspections of employers, who in past years participated in a preventive programme “Obtain the NLI’s diploma”, **75% of them achieved permanent improvement of work safety and law-abidingness in labour relations.** The latest visits ended with issuance of decisions on minor irregularities only. Additionally, NLI analysed results of about 200 inspections conducted in enterprises, which obtained NLI’s Diplomas in the years 2008-2009. Labour inspectors proved offences in only 27 cases and they penalised the employers with penalty tickets. The programme effects, thus, turned out to be satisfactory.

The main incentive for employers deciding to enrol on the NLI’s preventive programme is the need to adjust their enterprises to the existing requirements and to deepen their knowledge of labour law and methods designed to eliminate occupational hazards.

Employers involved in the programme appreciate the opportunity to improve work safety, especially with support from the NLI. It is also very important for the programme participants that they can use educational and training materials prepared by the NLI free of charge. Therefore, the National Labour Inspectorate intends to continue preventive programmes for a clearly targeted group of recipients from enterprises where work accidents occur most often (construction, manufacturing), who find it most difficult to fulfil the requirements imposed by labour law, that is target groups from micro and small enterprises. To this end, the National Labour Inspectorate has planned to:

- disseminate NLI’s preventative programmes in the mass media – encourage employers to enrol on them and refer to specialist support of labour inspectors;
- broaden the publishing offer with interactive tools, which can support employers in independent adjustment of their enterprises to existing legal provisions and achievement of a satisfactory level of work safety;
- enhance the system of training organised for employers in the framework of NLI’s preventive programmes;
- cooperate closely with the Social Insurance Institution (ZUS) in order to make the best use of funds from the ZUS Prevention Fund for activities designed to improve working conditions.

## Report on the National Labour Inspectorate's activities in agriculture in 2013

### 1. Provisions applicable to the labour inspectorate's activity in agriculture

- *Regulation of the Minister of Agriculture and Food Economy of 27 June 1997 on work safety and health during **warehousing and processing of grains and producing of plant derived animal feed***
- *Regulation of the Minister of Agriculture and Food Economy of 12 January 1998 on work safety and health during **operation of tractors, machines, tools and technical equipment used in agriculture***
- *Regulation of the Minister of Agriculture and Rural Development of 28 September 2001 on work safety and health during **handling of farm animals***

### 2. Staff of the labour inspectorate dealing with agriculture

The number of labour inspectors competent to carry out inspections in agricultural undertakings as well as relevant preventive and promotional activities is 94, whereas the number of specialists prepared to conduct preventive and promotional activities in agriculture is 29.

### 3. Statistical data on agricultural undertakings subject to inspections and the number of persons working in them (data obtained by the NLI from the Social Insurance Institution)

	<b>2013</b>
Number of agricultural undertakings	6.9 thousand
Number of workers engaged in the a/m undertakings	83 thousand

### 4. Data on NLI's inspections in agricultural undertakings in 2013

In 2013, NLI's inspectors conducted 809 inspection visits to agricultural undertakings and in connection with identified irregularities they issued: 4185 decisions, 611 improvement notices including 2650 instructions and 76 verbal instructions. 291 fines in the form of penalty tickets were imposed on persons who had committed 1552 offences against the rights of persons performing paid work. The NLI submitted motions to courts asking to punish 54 offenders,

and disciplining measures (instructions, warning, rebuke) were applied towards 166 persons. Moreover, in 7 cases a prosecutor's office was notified of a suspicion that a crime might have been committed.

Detailed data on the outcome of inspections are included in the tables below.

*Statistical data on NLI's inspections in agricultural undertakings in 2013 and applied legal measures (per the number of workers)*

Specification	NUMBER OF:							
	inspections	Decisions					instructions in improvement notices	verbal instructions
		total	including:					
			orders to stop work	orders to stop machinery operation	orders to transfer workers to other tasks	orders to pay financial benefits		
1	2	3	4	5	6	7	8	9
<b>TOTAL, including enterprises with:</b>	<b>809</b>	<b>4185</b>	<b>89</b>	<b>149</b>	<b>39</b>	<b>117</b>	<b>2650</b>	<b>76</b>
<b>1-9 workers</b>	453	2 352	56	64	22	38	1416	54
<b>10-49 workers</b>	276	1514	28	70	11	75	909	13
<b>50-249 workers</b>	62	294	5	10	5	4	271	9
<b>250 and more workers</b>	18	25	0	5	1	0	54	0

*Statistical data on NLI's inspections in agricultural undertakings in 2013 and applied sanctions (per the number of workers)*

Specification	NUMBER OF:			
	imposed penalty tickets	motions to courts asking to punish the offenders	applied disciplining measures	notifications to prosecutor's office of the suspicion of a crime
1	2	3	4	5
<b>TOTAL, including enterprises with:</b>	<b>291</b>	<b>54</b>	<b>166</b>	<b>7</b>
<b>1-9 workers</b>	169	24	98	7
<b>10-49 workers</b>	98	24	58	0
<b>50-249 workers</b>	21	6	10	0
<b>250 and more workers</b>	3	0	0	0

➤ **Information on selected inspections of agricultural undertakings carried out in 2013 in the Warmian-Masurian province (implemented by District Labour Inspectorate in Olsztyn as a district-specific task)**

In 2013, labour inspectors from the District Labour Inspectorate in Olsztyn carried out 26 comprehensive inspections of agricultural undertakings employing the total of 204 workers. The dominant types of activity in the inspected undertakings included: growing of plants (all farms) and breeding of animals (cattle, pigs and poultry – 11 farms). The inspections revealed numerous irregularities, such as incorrect work organization, poor technical condition of tractors and farming machinery used for fieldwork, poor condition of workrooms and production facilities, and use of technological processes in agricultural production.

<b>Most common irregularities in 2013</b>	
<b>Topics subject to inspections</b>	<b>Number of decisions ordering to remove irregularities</b>
<i>Machinery and technical equipment</i>	41
<i>Electrical equipment and installations</i>	38
<i>Workstations and work processes</i>	29
<i>Preparation for work</i>	18
<i>Occupational risk assessment</i>	10
<i>Warehousing and stacking</i>	9
<i>Personal protective equipment, clothing and footwear</i>	7
<i>Buildings and workrooms</i>	6
<i>Transport</i>	4

Labour inspectors from the District Labour Inspectorate in Olsztyn assessed that the underlying causes of identified irregularities were as follows:

- poor technical condition and lack of funds for overhauling and fixing used machinery, technical equipment, electrical equipment and installations, buildings used for production and workrooms,
- belittling work safety regulations by workers and persons exerting direct supervision over the execution of particularly dangerous work tasks;
- negligence with regard to preparation of workers for performing various tasks on farms, preventive health surveillance and conducting occupational risk assessment for jobs in farming.

## **5. NLI's activities in the private farming sector**

NLI's inspectors do not have inspection related powers with respect to private farms; on the other hand, in that sector consultative and educational activities are conducted, such as:

- Communication and promotional campaign „Respect life! Safe work on a farm”,

- “Safe farm” competition.

Among the initiatives undertaken by the NLI for the protection of labour in private farming, the most important ones are: technical consultation, promotion of safety and education both during visitations to farms and meetings held with farmers and rural communities.

In 2013, like in the previous years, the NLI’s employees visited fieldwork sites and farms of private farmers. They conducted over 5.6 thousand visitations (to farms, to fields during farming work and tasks related to transport in farming), during which inspectors assessed work safety of about 9.5 thousand persons.

In the course of visitations, staff of the labour inspectorate reviewed the technical condition of agricultural machines, equipment and tools, including almost 3.8 thousand tractors, 2.9 thousand agricultural trailers, 1.1 thousand combine harvesters and 4.6 thousand of other agricultural machines and equipment (for example: circular and chain saws, presses, manure spreaders, mowers, spraying machines and sowers).

As in the previous years, the NLI identified cases of using machines that posed risk to the safety and health of persons. Irregularities were related, among others, to faulty design of machines, incorrect technical and ergonomic solutions, use of inadequate shields and guards or lack thereof. The level of technical safety was very often lowered by a high degree of wear of agricultural machines and vehicles.

It may be concluded from the analysis of irregularities recorded during visitations to farms in the last three years that there has been a gradual improvement of safety during use of machines and equipment.

Labour inspectors had reservations to almost 70% of the inspected combine harvesters. They found, first and foremost, incomplete or damaged shields on driving parts of the harvesting unit, total lack of shields, incomplete ladders and guardrails along passages to the operator’s platform, failure to use props which would protect persons from being crushed by a header while it is raised to repair the harvesting device.

In the case of circular saws, which are commonly used on farms, over 70% of them did not meet the safety requirements such as installation of safety elements: guards on circular saws, protective hoods, guards on power transmission gears. As the visiting inspectors noticed, circular saws assembled by farmers themselves, which did not meet the basic safety requirements, were still in use.

The recorded number of tractors whose technical condition posed risk for the driver was slightly lower than in previous years. Yet, labour inspectors still identified a lot of cases when farmers used machines with defective brakes and worn tyres, as well as incorrect coupling of a tractor with a trailer and other agricultural machines. Lack of fire extinguishers and first aid kits in tractors is very common. On the other hand, the number of tractors used in agriculture and constructed by farmers on their own has been falling for several years, which is regarded as a positive trend.

In the course of visitations, labour inspectors identified technical defects in many used trailers. The largest number of irregularities were those consisting in: failure to connect electrical and brake lines, lack of warning triangles which mark low-speed vehicles, poor condition of higher boards or lack thereof during transport of large volume loads, no safety measures to prevent boards from uncontrollable falling. The most serious hazard created by other agricultural machines and equipment was related to unguarded movable parts of driving elements. It was also frequently noticed that people were transported in a risky way on trailers and carts full of large volume loads, but also on coupling parts, platforms and fenders of farming machines and vehicles.

It is particularly disturbing that labour inspectors still recorded lack of guards on power transmission shafts coupling tractors with machines or trailers, or use of worn or incomplete guards.

During visitations, NLI's employees paid special attention to the safety of children and youth. Unfortunately, they still identified cases of engaging children in tasks which they should not be doing on farms. 350 cases of work of children were recorded, including 67 related to tasks forbidden to juveniles, whereas 173 children stayed in a hazardous zone close to working farming machines and equipment. Moreover, there were no separate places on farms for children to play safely.

The National Labour Inspectorate also carried out educational and popularising initiatives in order to increase farmers' awareness of occupational hazards and accident risks. They were conducted in cooperation with many partners, first and foremost: Agricultural Social Insurance Fund, agricultural consultancy centres, agricultural chambers, church institutions, heads of villages, educational system inspectors, schools and universities, Ministry of Agriculture and Rural Development, Agency for Restructuring and Modernisation of Agriculture, as well as local authorities. Information exchange and cooperation took place at the forum of provincial and county commissions for OSH in farming.

The labour inspectorate organised 107 competitions for farmers, in which about 3 thousand persons took part. 11.3 thousand persons participated in 141 OSH knowledge competitions for children and youth from rural areas. Additionally, 227 art contests were organised for 14.3 thousand of the youngest inhabitants of villages.

763 private farms enrolled for the “Safe Farm” competition. From among them, winners at the provincial and national level were selected. The winners are presented as an example to follow, and the safe technical and technological solutions used by them constitute examples of *good practice*.

The National Labour Inspectorate’s educational activity aimed at rural community covered all age groups. During various agricultural mass events, the labour inspectorate arranged over 150 communication and promotional stands, which were visited, according to estimates, by almost 63 thousand persons. Labour inspectors gave over 5 thousand pieces of advice on, among others, technical aspects of work safety, engaging young persons in work, and safe stay of children on farms.

The NLI organised almost 350 training meetings on safe work for almost 10 thousand farmers; 110 lectures were given for 3.2 thousand students of agricultural schools, and over 440 talks were given for 18 thousand children from rural primary schools and gymnasias.

Caring for the safety of the youngest, NLI’s inspectors also held 106 talks in periods free from school, during summer and winter camps (for the total number of about 4 thousand children). Some of them, under the slogan “Safe summer”, were arranged in cooperation with the Polish Scouting Association, the Police, Fire Brigades, medical services and school headmasters.

Like in the past years, the National Labour Inspectorate also cooperated with the mass media, both regional and national ones. Over 90 press articles were published on the subject of safe living and working in villages. 39 programmes on OSH in farming were broadcast by TV stations and 77 programmes were aired by radio stations.

Farmers have been gradually becoming more interested in issues of work safety. It has been influenced to a large degree by a connection between obtaining EU grants and the necessity to observe sanitary requirements and those on the wellbeing of animals, as well as provisions on environmental protection. Yet, despite many positive changes taking place in Polish farming, and a falling trend in the number of work accidents during farming work, agriculture still continues to be one of economic sectors with the highest accident risk. Activities which are specified in *the NLI’s Act* and were undertaken so far to minimise



hazards in private farming, were limited in scope due to a large number of private farms and insufficient human resources of the labour inspectorate. In the coming years, it would be advisable to broaden such activities with a communication campaign in the mass media.

## 6. Statistical data on work accidents in agriculture, including their causes

Victims of work accidents in agriculture according to data of KRUS*, GUS** and NLI			2013	Causes
<b>K R U S</b>	Data on accidents during farming work, reported to KRUS by private farmers (or members of their families) entitled to benefits from farmers' social insurance scheme	Total number of victims, including fatal ones	<b>21 093</b> 77	<ul style="list-style-type: none"> <li>• improper organisation of workstations;</li> <li>• improper handling of animals;</li> <li>• improper condition of machines, tools and equipment;</li> <li>• farmers' failure to use guards;</li> <li>• lack of, or improper use of machines;</li> </ul>
<b>G U S</b>	Data on work accidents reported to GUS by agricultural undertakings	Total number of victims, including fatal ones	<b>874</b> 4	<ul style="list-style-type: none"> <li>• improper behaviour of workers;</li> <li>• improper condition of material objects;</li> <li>• lack of, or improper use of material objects;</li> </ul>
<b>N L I</b>	Data only on fatal and serious accidents, reported to NLI and examined in terms of correctness of applied preventive measures	Total number of victims, including fatal ones	<b>34</b> 9	<ul style="list-style-type: none"> <li>• supervisors' tolerance towards deviations from OSH regulations and rules;</li> <li>• lack of supervision;</li> <li>• lack of instructions for using material objects;</li> <li>• insufficient concentration on carrying out of activities;</li> <li>• lack of, or inadequate protective devices;</li> <li>• lack of, or improper training in OSH;</li> <li>• neglecting hazards.</li> </ul>

\* KRUS – Agricultural Social Insurance Farm

\*\* GUS – Central Statistical Office

## **Annexes:**

Annex 1. Acts of law regulating the remit of NLI's inspectors.

Annex 2. A. The number of employees of the National Labour Inspectorate in 2013.

B. NLI's employees – breakdown by age, education and duration of employment in NLI

Annex 3a. Statistical data on the National Labour Inspectorate's activity in 2013 – inspections and legal measures (per sectors of the national economy, according to PKD – equivalent of NACE).

Annex 3b. Statistical data on the National Labour Inspectorate's activity in 2013 – inspections and legal measures (per the number of employees).

Annex 3c. Statistical data on the National Labour Inspectorate's activity in 2013 – inspections and legal measures (per the forms of ownership).

Annex 4a. Statistical data on the National Labour Inspectorate's activity in 2013 – offences and crimes against the rights of persons performing paid work (per sectors of the national economy, according to PKD – equivalent of NACE).

Annex 4b. Statistical data on the National Labour Inspectorate's activity in 2013 – offences and crimes against the rights of persons performing paid work (per the number of employees).

Annex 4c. Statistical data on the National Labour Inspectorate's activity in 2013 – offences and crimes against the rights of persons performing paid work (per the forms of ownership).

Annex 5. Persons injured in work-related accidents per sectors of national economy (according to data from the Central Statistical Office – GUS).

Annex 6. Economic entities operating in Poland in 2013, according to the Polish Classification of Activity (PKD, equivalent of NACE).

## ACTS OF LAW REGULATING THE POWERS OF NLI'S INSPECTORS

No.	Title of the act	Published at:
1	Act of 13 April 2007 on the National Labour Inspectorate	Journal of Laws of 2012, item 404, with amendments
2	Act of 26 June 1974 - Labour Code	Journal of Laws of 1998, No. 21, item 94, with amendments
3	Act of 17 November 1964 - Code of civil proceedings	Journal of Laws of 2014, item 101, with amendments
4	Act of 6 June 1997 - Code of criminal proceedings	Journal of Laws No. 89, item 555, with amendments
5	Act of 24 August 2001 - Code of proceedings in misdemeanour cases	Journal of Laws of 2013, item 395, with amendments
6	Act of 16 April 2004 on working time of drivers	Journal of Laws of 2012, item 1155, with amendments
7	Act of 15 April 2011 on health care activity	Journal of Laws of 2013, item 217, with amendments
8	Act of 19 December 2008 on bridging pensions	Journal of Laws No. 237, item 1656, with amendments
9	Act of 5 April 2002 on European works councils	Journal of Laws of 2012, item 1146
10	Act of 4 March 2005 on the European grouping of economic interests and a European company	Journal of Laws No. 62, item 551, with amendments
11	Act of 7 April 2006 on informing and consulting employees	Journal of Laws No. 79, item 550, with amendments
12	Act of 7 October 1999 on the Polish language	Journal of Laws of 2011, No. 43, item 224, with amendments
13	Act of 21 June 2002 on explosive materials for civil uses	Journal of Laws of 2012, item 1329, with amendments
14	Act of 22 June 2001 on genetically modified organisms	Journal of Laws of 2007, No. 36, item 233, with amendments
15	Act of 25 October 1991 on organising and conducting cultural activity	Journal of Laws of 2012, item 406, with amendments
16	Act of 17 June 1966 on enforcement proceedings in administration	Journal of Laws of 2012, item 1015, with amendments
17	Act of 23 May 1991 on sea-going merchant ships	Journal of Laws of 2014, item 430
18	Act of 29 November 2000 – Nuclear law	Journal of Laws of 2012, item 264, with amendments
19	Act of 10 April 1997 – Law on energy	Journal of Laws of 2012, item 1059, with amendments
20	Act of 13 September 2002 on biocidal products	Journal of Laws of 2007, No. 39, item 252, with amendments
21	Act of 20 April 2004 on the promotion of employment and labour market institutions	Journal of Laws of 2013, item 674, with amendments
22	Act of 22 July 2006 on transferring money to benefit-payers for increasing salaries	Journal of Laws No. 149, item 1076, with amendments
23	Act of 27 August 1997 on professional and social rehabilitation and employment of the disabled	Journal of Laws of 2011, No. 127, item 721, with amendments

24	Act 23 May 1991 on settling collective disputes	Journal of Laws No. 55, item 236, with amendments
25	Act of 15 June 2012 on the effects of entrusting work to foreigners staying in the territory of Poland contrary to legal provisions	Journal of Laws of 2012, item 769
26	Act of 24 June 1983 on social labour inspection	Journal of Laws No. 35, item 163, with amendments
27	Act of 22 July 2006 on European cooperatives	Journal of Laws No. 149, item 1077, with amendments
28	Act of 25 February 2011 on chemical substances and their mixtures	Journal of Laws No. 63, item 322, with amendments
29	Act of 2 July 2004 on the freedom of economic activity	Journal of Laws of 2013, item 672, with amendments
30	Act of 30 August 2002 on the conformity assessment system	Journal of Laws of 2010, No. 138, item 935, with amendments
31	Act of 11 August 2001 on special rules of reconstruction, repair and demolition of buildings destroyed or damaged in natural disasters	Journal of Laws No. 84, item 906, with amendments
32	Act of 6 September 2001 on road transport	Journal of Laws of 2013, item 1414, with amendments
33	Act of 30 October 2002 on social insurance in case of work accidents and occupational diseases	Journal of Laws of 2009, No. 167, item 1322, with amendments
34	Act of 25 April 2008 on participation of employees in a company established by cross-border fusion of companies	Journal of Laws No. 86, item 525
35	Act of 22 June 2001 on economic activity related to production and sales of explosives, arms, ammunition, goods and technologies intended for the army or the police	Journal of Laws of 2012, item 1017, with amendments
36	Act of 17 October 2003 on underwater works	Journal of Laws No. 199, item 1936, with amendments
37	Act of 4 March 1994 on funds for social benefits in companies	Journal of Laws of 2012, item 592, with amendments
38	Act of 9 July 2003 on the employment of temporary workers	Journal of Laws No. 166, item 1608, with amendments
39	Act of 23 May 1991 on trade unions	Journal of Laws of 2014, item 167
40	Act of 21 December 2000 on inland navigation	Journal of Laws of 2013, item 1458

*the legal status as of 13 May 2014*

**A. EMPLOYEES OF THE NATIONAL LABOUR INSPECTORATE IN 2013**

Specification	National Labour Inspectorate			
	Total	Staff at the Chief Labour Inspectorate	Staff at District Labour Inspectorates	Staff of the NLI's Training Centre
<b>Total, including:</b>	<b>2 748</b>	<b>196</b>	<b>2 492</b>	<b>60</b>
managers, excluding chief accountants	26	23		3
inspectors in managerial positions (District Labour Inspectors and their deputies)	48		48	
principal labour inspectors - heads of sub-districts	42		42	
other inspectors	1 570		1 570	
trainee inspectors	27		27	
specialised staff not conducting inspections	459	105	343	11
employees registering and analysing work of labour inspectors	195	27	159	9
accounting staff, including chief accountants	87	11	72	4
administrative staff	210	25	176	9
support staff	84	5	55	24

**B. NLI's EMPLOYEES - BREAKDOWN BY AGE, EDUCATION AND DURATION OF EMPLOYMENT IN NLI**

Specification	Number of persons	Percent of all employees
<b>AGE</b>		
below 30 years of age	181	6,59
31-40 years	769	27,98
41-50 years	810	29,48
51-60 years	717	26,09
over 60 years of age	271	9,86
<b>EDUCATION</b>		
ACADEMIC, including:	2 445	88,97
legal	629	25,73
administrative	255	10,43
technical	1 084	44,33
other faculties	477	19,51
COLLEGE	55	2
SECONDARY	197	7,17
VOCATIONAL	39	1,42
PRIMARY	12	0,44
<b>DURATION OF EMPLOYMENT IN NLI</b>		
shorter than 10 years	1 145	41,67
11-20 years	1 067	38,83
21-30 years	459	16,7
over 30 years	77	2,8

Source: NLI's data

**Statistical data on the National Labour Inspectorate's activity in 2013 – inspections and legal measures**  
(by sectors of the national economy, according to PKD - equivalent of NACE)

1	Specification	NUMBER of									
		inspections	decisions					decisions ordering to cease economic activity <sup>2)</sup>	improvement notices <sup>3)</sup>	instructions in improvement notices	verbal instructions <sup>4)</sup>
			including:								
			total <sup>1)</sup>	those ordering to stop work activities	those ordering to transfer a worker to other tasks	those ordering to stop operation of machines	those ordering to pay financial benefits				
2	3	4	5	6	7	8	9	10	11	12	
	<b>TOTAL, including:</b>	<b>89 760</b>	<b>325 043</b>	<b>7 903</b>	<b>4 348</b>	<b>9 039</b>	<b>10 579</b>	<b>18</b>	<b>60 813</b>	<b>289 690</b>	<b>9 675</b>
1.	Agriculture and forestry	1 755	7 921	223	168	253	135	0	1 256	5 533	141
2.	Mining and quarrying	426	2 378	18	20	73	163	0	270	1 219	47
3.	Industrial processing	18 914	96 562	1 556	763	4 001	3 195	9	13 011	60 645	2 014
4.	Power production <sup>a)</sup>	356	1 390	13	11	28	46	0	232	819	23
5.	Water supply <sup>b)</sup>	1 190	5 931	64	44	115	137	1	821	3 752	123
6.	Construction	17 963	74 695	5 225	2 743	3 380	2 065	0	9 558	37 769	1 358
7.	Trade and repairs <sup>c)</sup>	23 624	77 067	405	319	615	1 438	2	17 507	88 492	2 735
8.	Transport and warehouse management	4 347	7 942	83	71	69	795	4	3 245	17 536	627
9.	Hotels and restaurants <sup>d)</sup>	3 487	9 985	28	18	69	367	0	2 605	14 394	573
10.	Information and communication	865	1 526	17	2	23	148	0	572	2 707	54
11.	Finances and insurance <sup>e)</sup>	632	944	20	3	9	60	0	452	2 086	69
12.	Real estate management	955	2 511	36	24	71	135	0	681	3 181	89
13.	Professional activity <sup>f)</sup>	2 250	5 383	78	34	70	424	0	1 544	7 481	246
14.	Administration services <sup>g)</sup>	3 468	4 800	66	53	29	375	0	2 235	9 448	353
15.	Public administration <sup>h)</sup>	1 070	2 060	8	6	19	9	1	626	2 687	123
16.	Education	3 111	10 532	10	21	101	624	0	2 331	10 544	385
17.	Health care and social work	2 154	5 507	14	13	25	188	0	1 601	9 213	329
18.	Culture, entertainment and recreation	986	2 394	26	20	40	68	0	666	3 112	96
19.	Other service activities	2 167	5 503	13	15	49	207	1	1 594	9 057	289
20.	Households <sup>i)</sup>	2	1	0	0	0	0	0	0	0	0
21.	Exterritorial organisations <sup>j)</sup>	0	0	0	0	0	0	0	0	0	0
22.	Unspecified activity	38	11	0	0	0	0	0	6	15	1

a) Production and supply of electricity, gas, water

b) Water supply: sewage, waste, reclamation

c) Wholesale and retail trade; repair of cars including motorcycles

d) Activity related to hotels and restaurants

e) Financial and insurance activity

f) Professional, scientific and technical activity

g) Activity related to administration and support activity

h) Public administration and national defence; obligatory social insurance

i) Households employing workers, producing goods and providing services for their own needs

j) Exterritorial organisations and teams

<sup>1)</sup> total number of decisions issued by labour inspectors by virtue of art.11 point 1, 2, 3, 4, 6, 6a, 7 of the "Act on NLI";

<sup>2)</sup> number of decisions issued by District Labour Inspectors by virtue of art.11.5 of the "Act on NLI";

<sup>3)</sup> number of improvement notices issued by labour inspectors by virtue of art.11.8 of the "Act on NLI";

<sup>4)</sup> number of verbal instructions issued by labour inspectors by virtue of art.11.8 of the "Act on NLI".

Source: NLI's data

**Statistical data on the National Labour Inspectorate's activity in 2013 – inspections and legal measures**  
(by the number of employees)

Specification		NUMBER OF:									
		inspections	decisions					decisions ordering to cease economic activity <sup>2)</sup>	improvement notices <sup>3)</sup>	instructions in improvement notices	verbal instructions <sup>4)</sup>
			total <sup>1)</sup>	including:							
				those ordering to stop work activities	those ordering to transfer a worker to other tasks	those ordering to stop operation of machines	those ordering to pay financial benefits				
1	2	3	4	5	6	7	8	9	10	11	12
	<b>TOTAL, including enterprises with:</b>	<b>89 760</b>	<b>325 043</b>	<b>7 903</b>	<b>4 348</b>	<b>9 039</b>	<b>10 579</b>	<b>18</b>	<b>60 813</b>	<b>289 690</b>	<b>9 675</b>
1.	1 - 9 workers	50 646	175 130	5 053	2 840	4 785	3 953	10	33 136	157 637	5 083
2.	10 - 49 workers	23 825	97 182	2 016	1 040	2 649	3 973	2	16 945	84 686	2 966
3.	50 - 249 workers	10 374	38 733	631	346	1 216	2 347	0	7 352	33 376	1 139
4.	250 and more workers	4 915	13 998	203	122	389	306	6	3 380	13 991	487

1) total number of decisions issued by labour inspectors by virtue of art. 11 point 1, 2, 3, 4, 6, 6a, 7 of the "Act on NLI";

2) number of decisions issued by District Labour Inspectors by virtue of art. 11.5 of the "Act on NLI";

3) number of improvement notices issued by labour inspectors by virtue of art. 11.8 of the "Act on NLI";

4) number of verbal instructions issued by labour inspectors by virtue of art. 11.8 of the "Act on NLI".

Source: NLI data

**Statistical data on the National Labour Inspectorate's activity in 2013 – inspections and legal measures**  
(by the forms of ownership)

Specification		NUMBER OF:									
		inspections	decisions:					decisions ordering to cease economic activity <sup>2)</sup>	improvement notices <sup>3)</sup>	instructions in improvement notices	verbal instructions <sup>4)</sup>
			total <sup>1)</sup>	including:							
		those ordering to stop work activities		those ordering to transfer a worker to other tasks	those ordering to stop operation of machines	those ordering to pay financial benefits					
1	2	3	4	5	6	7	8	9	10	11	12
	<b>TOTAL, including:</b>	<b>89 760</b>	<b>325 043</b>	<b>7 903</b>	<b>4 348</b>	<b>9 039</b>	<b>10 579</b>	<b>18</b>	<b>60 813</b>	<b>289 690</b>	<b>9 675</b>
1.	<b>Total public sector<sup>a)</sup>, by forms of ownership:</b>	<b>7 545</b>	<b>25 029</b>	<b>116</b>	<b>104</b>	<b>355</b>	<b>476</b>	<b>5</b>	<b>5 218</b>	<b>23 207</b>	<b>752</b>
	1. state	1 781	5 043	51	30	104	171	4	1 028	3 954	152
	2. self-government	5 506	19 334	61	72	242	254	1	4 010	18 553	586
	3. mixed	258	652	4	2	9	51	0	180	700	14
2.	<b>Total private sector<sup>b)</sup>, by forms of ownership:</b>	<b>82 129</b>	<b>299 802</b>	<b>7 781</b>	<b>4 240</b>	<b>8 683</b>	<b>10 103</b>	<b>13</b>	<b>55 562</b>	<b>266 361</b>	<b>8 915</b>
	1. national private	73 909	271 844	7 247	3 973	7 867	8 716	13	50 183	242 445	8 215
	2. foreign private	4 298	13 599	225	132	341	577	0	2 840	12 639	333
	3. mixed private	3 922	14 359	309	135	475	810	0	2 539	11 277	367
3.	<b>Mixed balanced sector<sup>c)</sup></b>	<b>12</b>	<b>41</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>15</b>	<b>2</b>
4.	<b>Unspecified ownership</b>	<b>74</b>	<b>171</b>	<b>6</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>26</b>	<b>107</b>	<b>6</b>

<sup>a)</sup> **public sector** comprises entities owned by the state, territorial authorities, and entities with the majority of the public sector capital;

<sup>b)</sup> **private sector** comprises economic entities that make national and foreign private property, or property with the majority of private capital;

<sup>c)</sup> **mixed balanced sector** comprises mixed ownership with an equal share of private and public sector ownership.

1) total number of decisions issued by labour inspectors by virtue of art.11 point 1,2,3,4,6, 6a, 7 of the "Act on NLI";

2) number of decisions issued by District Labour Inspectors by virtue of art. 11.5 of the "Act on NLI";

3) number of improvement notices issued by labour inspectors by virtue of art. 11.8 of the "Act on NLI";

4) number of verbal instructions issued by labour inspectors by virtue of art. 11.8 of the "Act on NLI".

Source: NLI data



**Statistical data on the National Labour Inspectorate's activity in 2013 – offences and crimes  
against the rights of persons performing paid work  
(by sectors of the national economy, according to PKD - equivalent of NACE)**

Specification		NUMBER OF							
		identified offences				applied legal measures			notifications of crimes sent to prosecutors' offices
		total	including:			imposed penalty tickets	penalty motions filed with courts	applied disciplining measures	
those penalised with penalty tickets	those mentioned in penalty motions filed with courts		those covered by disciplining measures						
1	2	3	4	5	6	7	8	9	10
	<b>TOTAL, including:</b>	<b>88 604</b>	<b>48 746</b>	<b>12 400</b>	<b>27 458</b>	<b>18 954</b>	<b>3 767</b>	<b>16 115</b>	<b>776</b>
1.	Agriculture and forestry	1 992	1 348	222	422	473	77	270	12
2.	Mining and quarrying	508	363	73	72	156	19	45	5
3.	Industrial processing	18 476	10 562	2 698	5 216	4 061	782	3 049	146
4.	Power production <sup>a)</sup>	220	133	24	63	65	10	37	1
5.	Water supply <sup>b)</sup>	1 028	525	154	349	206	40	190	7
6.	Construction	22 881	15 140	2 499	5 242	6 165	811	3 239	207
7.	Trade and repairs <sup>c)</sup>	21 334	10 190	2 647	8 497	3 732	754	4 766	172
8.	Transport and warehouse management	5 130	3 154	802	1 174	1 191	235	709	54
9.	Hotels and restaurants <sup>d)</sup>	4 303	1 896	1 020	1 387	707	274	819	33
10.	Information and communication	720	329	140	251	148	50	151	11
11.	Finances and insurance <sup>e)</sup>	553	266	92	195	118	26	109	7
12.	Real estate management	890	383	154	353	157	48	185	9
13.	Professional activity <sup>f)</sup>	2 093	958	450	685	391	143	405	25
14.	Administration services <sup>g)</sup>	2 471	1 171	568	732	487	212	500	32
15.	Public administration <sup>h)</sup>	333	117	32	184	56	17	106	1
16.	Education	1 492	452	191	849	194	68	521	12
17.	Health care and social work	1 472	569	251	652	218	85	379	12
18.	Culture, entertainment and recreation	636	285	86	265	97	32	156	5
19.	Other service activities	2 048	887	294	867	322	82	476	20
20.	Households <sup>i)</sup>	2	1	0	1	1	0	1	1
21.	Exterritorial organisations <sup>j)</sup>	0	0	0	0	0	0	0	0
22.	Unspecified activity	22	17	3	2	9	2	2	4

<sup>a)</sup> Production and supply of electricity, gas, water

<sup>b)</sup> Water supply: sewage, waste, reclamation

<sup>c)</sup> Wholesale and retail trade; repair of cars including motorcycles

<sup>d)</sup> Activity related to hotels and restaurants

<sup>e)</sup> Financial and insurance activity

<sup>f)</sup> Professional, scientific and technical activity

<sup>g)</sup> Activity related to administration and support activity

<sup>h)</sup> Public administration and national defence; obligatory social insurance

<sup>i)</sup> Households employing workers, producing goods and providing services for their own needs

<sup>j)</sup> Exterritorial organisations and teams



**Statistical data on the National Labour Inspectorate's activity in 2012 – offences and crimes  
against the rights of persons performing paid work  
(by the number of employees)**

Specification		NUMBER OF							
		identified offences				applied legal measures			notifications of crimes sent to prosecutors' offices
		total	including:			imposed penalty tickets	penalty motions filed with courts	applied disciplining measures	
those penalised with penalty tickets	those mentioned in penalty motions filed with courts		those covered by disciplining measures						
1	2	3	4	5	6	7	8	9	10
	<b>TOTAL, including enterprises employing:</b>	<b>88 604</b>	<b>48 746</b>	<b>12 400</b>	<b>27 458</b>	<b>18 954</b>	<b>3 767</b>	<b>16 115</b>	<b>776</b>
1.	1 - 9 workers	53 662	28 685	7 800	17 177	10 958	2 434	9 884	539
2.	10 - 49 workers	23 660	13 536	3 287	6 837	5 145	864	3 989	141
3.	50 - 249 workers	8 032	4 656	1 063	2 313	1 968	342	1 471	68
4.	250 and more workers	3 250	1 869	250	1 131	883	127	771	28

Source: NLI's data

**Statistical data on the National Labour Inspectorate's activity in 2013 – offences and crimes  
against the rights of persons performing paid work  
(by the forms of ownership)**

Specification		NUMBER OF:							
		identified offences				applied legal measures			notifications of crimes sent to prosecutors' offices
		total	including:			number of imposed punishment tickets	penalty motions filed with courts	applied disciplining measures	
			those penalised with penalty tickets	those mentioned in penalty motions filed with courts	those covered by disciplining measures				
1	2	3	4	5	6	7	8	9	10
	<b>TOTAL, including:</b>	<b>88 604</b>	<b>48 746</b>	<b>12 400</b>	<b>27 458</b>	<b>18 954</b>	<b>3 767</b>	<b>16 115</b>	<b>776</b>
1.	<b>Public sector<sup>a)</sup> total, including:</b>	<b>3 722</b>	<b>1 466</b>	<b>373</b>	<b>1 883</b>	<b>603</b>	<b>142</b>	<b>1 103</b>	<b>27</b>
	1. state	950	509	119	322	240	38	222	10
	2. self-government	2 612	882	224	1 506	333	95	845	15
	3. mixed	160	75	30	55	30	9	36	2
2.	<b>Private sector<sup>b)</sup> total, including:</b>	<b>84 812</b>	<b>47 242</b>	<b>12 021</b>	<b>25 549</b>	<b>18 336</b>	<b>3 622</b>	<b>14 999</b>	<b>742</b>
	1. national private	77 453	43 095	10 798	23 560	16 600	3 245	13 739	666
	2. foreign private	3 678	2 159	479	1 040	903	160	672	43
	3. mixed private	3 681	1 988	744	949	833	217	588	33
3.	<b>Mixed balanced sector<sup>c)</sup></b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>
4.	<b>Unspecified ownership</b>	<b>67</b>	<b>36</b>	<b>6</b>	<b>25</b>	<b>14</b>	<b>3</b>	<b>12</b>	<b>7</b>

<sup>a)</sup> **public sector** comprises entities owned by the state, territorial authorities, and entities with the majority of the public sector capital;

<sup>b)</sup> **private sector** comprises economic entities that make national and foreign private property, or property with the majority of private capital;

<sup>c)</sup> **mixed balanced sector** comprises mixed ownership with an equal share of private and public sector ownership.

Source: NLI data

**Persons injured in work-related accidents per sectors of the national economy**  
(according to data of the Central Statistical Office, GUS)

Sectors (sections in the Polish Classification of Activity*)	Years	Number of victims of work accidents			
		Total	Fatal	Serious	Minor
		in absolute numbers			
<b>TOTAL</b>	<b>2011</b>	<b>97222</b>	<b>404</b>	<b>703</b>	<b>96115</b>
	<b>2012</b>	<b>91000</b>	<b>348</b>	<b>602</b>	<b>90050</b>
	<b>2013</b>	<b>88267</b>	<b>276</b>	<b>529</b>	<b>87462</b>
Agriculture, forestry, hunting and fishing	2011	1507	26	19	1462
	2012	1417	21	14	1382
	2013	1283	12	14	1257
Mining and quarrying	2011	2908	29	22	2857
	2012	2687	26	12	2649
	2013	2393	18	14	2361
Industrial processing	2011	33431	85	262	33084
	2012	30243	60	229	29954
	2013	28095	52	222	27821
Power, gas, steam, hot water production and supply, air supply for air- conditioning systems	2011	1082	11	17	1054
	2012	1011	8	10	993
	2013	865	3	6	856
Water supply; waste management and remediation	2011	2124	13	19	2092
	2012	2132	12	14	2106
	2013	2174	2	18	2154
Construction	2011	9222	99	144	8979
	2012	8145	82	131	7932
	2013	6712	70	82	6560
Wholesale and retail sale, vehicle maintenance, inclusive of motorcycles	2011	11703	36	76	11591
	2012	11423	27	54	11342
	2013	11368	26	57	11285
Transport and storage	2011	6827	57	57	6713
	2012	6402	60	45	6297
	2013	6125	38	35	6052
Accommodation and gastronomy activities	2011	1376	-	1	1375
	2012	1389	2	2	1385
	2013	1256	-	2	1254
Information and communication	2011	617	4	2	611
	2012	549	4	5	540
	2013	570	3	2	565
Financial and insurance activities	2011	985	-	4	981
	2012	1010	1	2	1007
	2013	1543	4	4	1535
Real estate activities	2011	1176	1	8	1167
	2012	1112	4	9	1099
	2013	1009	1	7	1001

Sectors (sections in the Polish Classification of Activity*)	Years	Number of victims of work accidents			
		Total	Fatal	Serious	Minor
		in absolute numbers			
Professional, scientific and technical activities	2011	1424	1	7	1416
	2012	1267	8	5	1254
	2013	1103	5	3	1095
Administrative and support activities	2011	4141	11	16	4114
	2012	3993	13	16	3964
	2013	4048	10	27	4011
Public administration and national defence, obligatory social insurance	2011	4603	17	18	4568
	2012	4412	5	16	4391
	2013	4580	14	14	4552
Education	2011	4641	4	12	4625
	2012	4724	6	14	4704
	2013	4832	6	9	4817
Health care and social assistance	2011	8057	6	10	8041
	2012	7699	7	13	7679
	2013	8982	7	5	8970
Culture, recreation and entertainment	2011	904	2	8	894
	2012	911	1	8	902
	2013	821	2	6	813
Other services	2011	904	2	8	894
	2012	474	1	3	470
	2013	508	3	2	503

(\*) – Polish Classification of Activity (PKD) of 2007, equivalent of NACE

Source: data of the Central Statistical Office (GUS), 2011-2012 – final data,  
2013 – non-final data

**Economic entities operating in Poland in 2013,**  
according to the Polish Classification of Activity (PKD, equivalent of NACE)

Specification (PKD sections)	Entities for which work is performed (on the basis of employment contracts, civil law contracts)	Natural persons conducting economic activity, without employees
<b>TOTAL</b>	<b>655 473</b>	<b>919 444</b>
Agriculture, forestry and hunting	11 423	10 273
Mining and quarrying	1 265	631
Manufacturing	84 808	84 166
Production of electricity	1 125	853
Water supply	4 714	2 595
Construction	75 690	127 579
Trade, repairs	193 934	227 001
Transport and warehousing management	42 555	69 783
Hotels and restaurants	24 173	19 712
Information and communication	12 457	38 477
Finance and insurance	11 719	31 272
Real estate management	13 294	18 211
Professional activity	49 740	113 412
Administration services	16 219	30 526
Public administration	7 093	314
Education	32 111	20 614
Health care and social work	28 835	65 613
Culture, entertainment and recreation	9 638	10 289
Other service activities	34 562	48 107
Households	2	2
Exterritorial organisations	116	14

Source: Specification based on data of the Social Insurance Institution (ZUS) about the number of active payers paying contributions to social insurance and the Labour Fund (as of December 2013).