

**The Chief Labour Inspector's Report  
on the National Labour Inspectorate's activity in 2010**

**(Executive summary for the ILO)**

The National Labour Inspectorate is competent to **supervise and inspect the observance of labour law**, in particular occupational safety and health rules and regulations, as well as provisions on legality of employment and other paid work.

The National Labour Inspectorate is **subordinate to Parliament**.

Supervision of the National Labour Inspectorate 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**.

The Chief Labour Inspector is a member of the EU Senior Labour Inspectors' Committee (SLIC). The "Annual report on the labour inspectorate's activity" is submitted to the SLIC's Secretariat each year.

The Speaker of Parliament establishes the National Labour Inspectorate' statute, which specifies its internal organisation, seats and territorial competence of district labour inspectorates.

<p>The NLI's organizational structure comprises: the Chief Labour Inspectorate, 16 district labour inspectorates and 43 sub-district offices operating within the districts' structure.</p>
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There are several permanent bodies providing opinions and advice to the Chief Labour Inspector, such as:

- Chief Labour Inspector's Senior Management Body,
- Chief Labour Inspector's Legal Commission,
- Chief Labour Inspector's Commission for Occupational Safety and Health in Farming,
- Council for Work Safety in Construction.

District labour inspectors manage the activity of district labour inspectorates and supervise activities of labour inspectors.

The National Labour Inspectorate has its own training unit – **NLI's Training Centre named after Prof. Jan Rosner in Wrocław.**

The tasks of the National Labour Inspectorate comprise, in particular:

- **supervising and inspecting compliance with labour law**, including regulations and rules of occupational safety and health, regulations on employment relationships, remuneration for work and other benefits resulting from employment relationships, working time, leaves, employee rights connected with parenthood, employment of juveniles and persons with disabilities;
- inspecting **observance of OSH regulations during design of construction**, reconstruction and modernization of establishments as well as machines and other technical devices and technologies which constitute their equipment;
- 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 tasks in special conditions** or of special nature;
- participating in **acceptance for operation** of constructed or reconstructed establishments or their parts in the scope specified in separate provisions;
- inspecting **products** placed on the market from the point of view of their compliance with OSH requirements, specified in separate provisions;
- taking action to prevent and eliminate hazards in the working environment, in particular:
  - investigation and analysis of circumstances and causes of **work accidents** and occupational diseases and inspection of the application of measures which are to prevent accidents and occupational diseases,
  - **initiating research work** focused on observance of labour law, in particular work safety and health regulations,
  - initiating actions for labour protection in **private farming**,
  - providing **advice** and information concerning labour law and work safety;
- **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 accordance with the Act, in the reporting year the NLI’s supervision in the area of work safety and health and legality of employment covered not only employers, but also entrepreneurs for whom work is performed by natural persons, including the ones who conduct economic activity on their own account.

In order to fulfil NLI’s tasks, labour inspectors are authorized to conduct inspection activities at entities for which work is performed by natural persons, regardless of the legal basis of performing work, and to apply legal measures upon finding that an employer infringed upon labour law regulations. The above-mentioned legal measures are as follows:

- **orders to eliminate identified infringements of regulations** and rules concerning occupational safety and health **by a specified date**;
- orders to **stop work or operations** if the infringement causes immediate hazard to health and safety of the workers or other persons who perform the work or conduct activity; **orders to entrust other work tasks** to employees or other persons permitted to work, if they are employed at forbidden, arduous or dangerous work against the existing regulations, or to persons permitted to perform dangerous work without having appropriate qualifications (such orders must be executed immediately);
- orders to **stop using machines** and equipment when their operation creates immediate hazard to health and safety of employees (orders in such matters must be executed immediately);
- **bans on performing work** or carrying out activity in places where the state of working conditions creates direct hazard to health and safety (orders in such matters must be executed immediately);
- **orders to cease activities** or a specific type of activity upon determining that the state of work safety and health creates hazard to health or safety of employees or natural persons performing work on basis other than an employment relationship, including persons who conduct economic activity on their own account;

- orders to **determine circumstances and causes of a work accident** by a specified deadline;
- **orders to employers to pay remuneration** for work and other benefits due to employees (orders in such matters must be executed immediately);
- **improvement notices** issued upon identification of other infringements of labour law and provisions on legality of employment;
- **orders to include the employee's name in the register** of employees performing work tasks in special conditions or of special nature;
- fines imposed in the form of **penalty tickets** and **motions filed with courts for penalising the offenders**.

Moreover, the Chief Labour Inspector is authorised to **grant and withdraw licences for experts** on work safety and health.

During fulfilment of its tasks, the National Labour Inspectorate **cooperates** with other institutions responsible for inspection and supervision of working conditions, local authorities, trade unions, employers' organizations, self-government bodies of workforce in companies, and social labour inspection.

Irrespective of supervisory and inspection activities, the National Labour Inspectorate carries out wide-reaching **preventive actions**. Supervision and inspection are integrally connected with prevention, and the other way round – there is no prevention without supervision and inspection.

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As of 31 December 2010, the National Labour Inspectorate **employed 2 715 persons** (data and the NLI's Training Centre employed **58 persons**. Almost 90% of the NLI's employees have higher education. **1510 persons** were employed as **inspectors**.

In the reporting year, another group of candidates for labour inspectors attended special preparatory courses conducted at the NLI's Training Centre. Having completed the several-month course and passed the state exam, **52 persons** obtained **powers of labour inspectors**.

In the reporting year, NLI's inspectors carried out almost **95.3 thousand inspections in companies of 70.1 thousand** employers (entrepreneurs), for whom work was performed by almost **3,7 million** persons.

In connection with infringements of occupational safety and health provisions, identified during visits, labour inspectors issued **337.3 thousand decisions**, including **9.5 thousand orders to cease work tasks** and **8 thousand orders to stop operation of machinery**.

Besides decisions concerning OSH, in 2010 labour inspectors issued almost **9.4 thousand decisions ordering employers to pay salaries** or other benefits resulting from employment relationships. Those decisions concerned **due amounts totalling 180.6 million PLN**.

District labour inspectors issued **33 decisions** ordering to cease **economic activity** or activity of a specific type. Such decisions are issued in cases when the OSH state poses risk to health and safety of the persons performing work. Companies to which those decisions referred, engaged 1267 employees in total.

Inspectors issued inspected employers with **60.6 thousand improvement notices** which included **333.5 thousand instructions** to eliminate identified infringements of the rights of employees.

88 thousand infringements of the law, from among all those identified in the course of inspections, were **offences** against employee rights. In connection with revealed offences, labour inspectors imposed **20615 penalty tickets**; they lodged **4165 motions for punishing the offenders with courts** and applied **11 728 disciplining measures** (instructions, rebuke, reprimand).

As of 28.02.2011, **the courts** – having considered motions lodged by NLI's inspectors in 2010 – penalised 3491 offenders with fines and 77 offenders were punished with a reproof. In 33 cases the courts found the offenders guilty of the deeds they were accused of, but decided not to penalise them, and 24 persons were acquitted of charges.

The total amount of fines imposed by the **courts** was almost **7 million PLN**, which means that the average fine was **2 000 PLN**. On the other hand, in 2010 the total amount of fines imposed by labour inspectors as penalty tickets was **24.9 million PLN** (the average amount of fines was **1211 PLN**).

Labour inspectors filed **1224 notifications** of a suspicion of a crime with prosecutors' offices. As a result of filed notifications, 237 proceedings have been initiated and they are still in progress. In 172 cases, prosecutors' offices refused to initiate proceedings;

341 proceedings were discontinued; 151 indictments (data as of 28.02.2011) were filed with courts.

In 2010, labour inspectors **investigated the circumstances and causes of 2251 work accidents**, including 276 collective accidents. 2768 persons altogether were injured in those incidents. From among them, 538 victims died and 898 individuals suffered serious bodily injuries.

**From among fatal victims of accidents investigated by the NLI in 2010, the most numerous groups included drivers of vehicles and construction workers** engaged in erecting and finishing buildings.

Accidents were most frequently caused by **human** factors (including mainly improper behaviour of a worker when caught unawares by an unexpected event). Such accidents constituted **48.2%** of all established causes of accidents. **40.3%** of accidents were attributed to **organisational** causes, and only **11.5%** of all established causes of work accidents were related to **technical aspects**.

The National Labour Inspectorate's units received **42.7 thousand complaints** in total, which was by 23% more than in 2009. Findings of labour inspectors showed that 63% of complaints were justified or partially justified. In comparison with 2009, **the number of anonymous complaints increased** noticeably; their share in the total number of complaints was two times higher.

In the reporting year, NLI's experts provided more than **1.2 million pieces of advice free of charge**. This included 968.4 thousand cases of legal advice (78%) and almost 272.1 thousand cases of technical advice (22%).

In 2010, the National Labour Inspectorate received 163 **requests to register collective labour agreements** and 552 requests to register additional clauses.

The stipulations of collective agreements were mainly related to regulations on remuneration for work and on granting employees with other employment-related benefits. The issues concerning OSH, working time and leaves were rarely regulated in collective agreements.

In 2010, **342 collective disputes were reported** to district labour inspectorates.

In total, trade unions presented 629 demands to employers. The demands most frequently referred to remuneration terms (391) and working conditions (71).

In cases when the contents of a notification about a collective dispute suggested that the employer may have infringed upon the labour law provisions, labour inspectors conducted inspection activities (32 inspections were connected with the reported disputes). A small number of such inspections were carried out because only some of the demands fell under the NLI's competence.

In the reporting period, district labour inspectorates received 271 requests to **issue a permit for performing work or other paid work tasks by a child** below 16 years of age. **The requests concerned 682 children in total.**

Having analysed the requests, based on the provisions of article 304<sup>5</sup> of the Labour Code, labour inspectors issued 673 decisions permitting children to perform work; in 9 cases they refused such permits.

In 2010, labour inspectors conducted inspections of **4889 buildings where workrooms and workstations were to be located**. The objective of the inspections was to determine whether the solutions related to OSH were in line with the construction plans, which had received positive opinions from experts on work safety and health.

As a result of those inspections, based on article 56 of the "Construction Law", labour inspectors filed 276 protests against the planned use of the buildings in question.

Additionally, in the reporting year labour inspectors conducted inspections concerning **138 ships**, in connection with requests for NLI's declarations that the ships have authorisation for the placing in service in terms of work safety and health.

Authorisation for the placing in service was issued for 128 ships. With regard to 10 ships – inspectors produced expert evidence with bans on placing the ships in service (data as of 28.02.2011).

In the reporting year, inspectors also verified correctness of information included in ZUS IWA forms – **such information is used by ZUS to establish individual contribution for accident insurance**. The relevant inspections covered 6860 employers who paid contributions and employed the total of nearly 738 thousand persons. The activities covered only employers that have the duty to draw up ZUS IWA forms – i.e. those that register at least 10 persons for the social insurance purposes.

**279 cases of improper data** in ZUS IWA forms were discovered. **Organizational units of ZUS were informed** about the irregularities and provided with relevant data.

Apart from verification of information covered by ZUS IWA forms, labour inspectors requested competent ZUS organizational units to raise the accident insurance rate for the following year by 100% – due to flagrant violations of OSH regulations detected during two previous inspections. ZUS organizational units were lodged with **133 requests for raising accident insurance rate**; most of them related to **construction companies** (84) and **production entities** (26). As results from information provided by ZUS, decisions on raising the accident insurance rate by 100% were made in all the above-mentioned cases.

The most important effects of National Labour Inspectorate's inspection actions in the reporting year, in relation to improvement of working conditions and lawfulness of employment relationships are described by the following numbers (as of 28 February 2011):

- elimination by employers of irregularities in the area of **legality of employment** concerning 120 thousand persons (including written confirmation of employment relations for 4.5 thousand persons who were parties to civil law contracts and for 7.6 thousand persons performing work without any contract);
- **correcting the contents of employment contracts** for over 30.1 thousand workers;
- payment by payers of **overdue contributions to the Labour Fund** for 43.6 thousand employees, to the overall amount of 4.4 million PLN;
- payment by payers of **overdue contributions to social insurance** for 5.8 thousand employees, to the overall amount of 5.4 million PLN;
- **depriving** 1.5 thousand persons **of unemployed status** because they had commenced employment, other paid work or activity without notifying a county labour office;
- **halting 152 foreigners by Border Guards or the Police** – following notifications provided by the NLI to these bodies on illegal performance of work by foreigners;
- 139 decisions on **withdrawal of work permits** and 211 decisions on **expulsion of a foreigner** or obliging a foreigner to depart from the Republic of Poland – issued by the Head of Province or Border Guards as a result of cooperation of the National Labour Inspectorate with the aforementioned authorities;
- enforcement of **payment** of more than 110.8 million PLN due to over 104.6 thousand workers;



- elimination of irregularities related to **overtime work** of more than 7.4 thousand workers;
- elimination of irregularities in **working time records** of 84.5 thousand employees and establishing such records for almost 27.1 thousand workers;
- enforcement of granting **overdue annual leaves** to almost 38.2 thousand employees.

Moreover, as a result of inspections, labour inspectors enforced the fulfilment by employers of duties related to work safety and hygiene, which concerned:

- **occupational risk assessment** (in relation to 307.4 thousand workers in total);
- **examinations and measurements of factors harmful** to health in the working environment (59.5 thousand workers);
- **medical examinations** (for 56.2 thousand employees);
- **OSH training** (for 95.8 thousand workers).

It should be emphasised that owing to activities of labour inspectors, **immediate hazards** to the safety and health of about 80 thousand employees **were eliminated** in the inspected enterprises.

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In recent years the National Labour Inspectorate has been **entrusted with tasks related to supervision and inspection of issues falling outside the scope of labour law**. This relates to matters such as: inspection of compliance with the obligation to provide resources for an increase of remuneration in **health care entities**, inspection of driving time, stoppage time, obligatory break and rest periods of **drivers**, and inspection of keeping **registers of performing work in particularly hazardous conditions** or work of special nature – in relation to the *Act on Bridge Pensions*.

The aforementioned tasks significantly influenced the scope and effectiveness of National Labour Inspectorate's actions. Besides inspection activities in the mentioned areas, it was necessary to **develop new methodologies**, provide NLI's staff with appropriate training and make organizational changes allowing efficient implementation of these new tasks (i.e. as regards the application and enforcement of penalties imposed on the basis of the *Act on Road Transport*).

Again **an increase in the number of complaints lodged with the labour inspectorate** was recorded. Their number rose by almost one fourth. Most of complaints were related to

payment of remuneration and other workers' benefits. The scale of irregularities in respect of payment of salaries increased.

In labour inspectors' opinion, detected irregularities are very often caused by purposeful acting of employers or resulted from **ignorance or misunderstanding of legal regulations**. Unfavourable tendencies are also caused by **poor financial situation** of many employers. One of the reasons for that is the economic crisis which negatively influenced financial liquidity of companies. This impinged on the manner and time frames of payment of benefits due to workers. What is striking in this context is the low percentage of employers who took advantage of **anti-crisis packages** which would enable them to decrease the liabilities related to the employment of workers.

The above irregularities are strictly connected with the employers' **failure to keep working time records or to keep them in compliance with the existing regulations**, which was the case in every second inspected entity. Infringements in this regard make it impossible to establish the actual scale of violations by employers of provisions on the payment of work-related benefits to employees. Often this is a consequence of premeditated actions that employers take to reduce the costs of remuneration and contributions for social insurance. On the other hand, however, labour inspectors often identify a disturbing practice that **workers acquiesce** to this to receive part of their remuneration off the official record of salaries.

From our point of view, NLI's continued inspection and supervisory activity would not be sufficient to eliminate the irregularities described above. Stabilized economic situation, positive economic forecasts and application of systemic solutions are just as important.

In comparison with 2009, in the reporting year the percentage of entities in which **illegal employment** or other forms of illegal paid work were identified decreased by 2% (from 20% to 18%).

However, it should be noted that with regard to many issues subject to inspection, the scale of identified infringements was larger than in 2009. This, in particular, related to:

- the number of entities where irregularities regarding the duty to **register workers with the social insurance scheme** were identified was by one third higher than in 2009;
- the number of identified cases of taking up employment by unemployed persons **without notifying a relevant county employment office of this fact** was 18% higher;

- the number of entities where labour inspectors proved that **civil law contracts had been concluded in conditions where contracts of employment should have been concluded** was 13% higher;
- the number of employees under inspection for whom **Labour Fund contributions were not paid** rose by a quarter.

2010 was another year which saw a considerable **rise in the number of identified cases of illegal employment and performance of work by foreigners.**

Owing to continual difficulty in conducting effective inspection of foreign employers from outside the EU/EEA area who post their workers to the territory of Poland, it is necessary to undertake **further legislative work in order to perfect the provisions on posting of third-country nationals to the territory of Poland** and the relevant inspection procedures.

In the area of **occupational safety and health** inspections carried out by the National Labour Inspectorate focused on the sectors of economy and companies where the occupational risk is the highest.

In this respect **construction** was subject to intensive and comprehensive forms of influence exerted by the inspectorate as it is one of the most accident prone sectors. Labour inspectors also carried out systematic inspections of **EURO 2012 construction investments.**

Initiatives undertaken in the framework of "NLI's strategy of preventative activity in construction", led to the signing of "**Memorandum of understanding for safety in construction**", whose aim is to implement a common programme of accident-rate reduction, exchange of *good practice*, unification of approach to work safety, and above all exert influence upon contractors of small construction companies where accident rate is the highest.

**Small companies** (with up to 49 workers) **in which recurring, work-related accidents happened** were a subject of particular interest on the part of the NLI. Majority of these companies did not comply with the duty to establish, without any delay, the circumstances and causes of accidents, which created the risk of similar events happening in the future.

The inspection results show a gradual decrease in the employers' failure to conduct **occupational risk assessment.** However, risk assessment is still regarded as a formality and employers fail to understand its role in the process of managing work safety.

As regards accidents at work it is worthwhile to mention the labour inspectors' assessment carried out in 2010 concerning **compliance of metal working machinery with essential OSH requirements**. The above assessment revealed that, among others, employers failed to adjust over a quarter (28%) of machines in that category to the existing regulations.

A varied level of legal compliance was also the outcome of inspections carried out in the framework of **market surveillance**, in respect of new machinery, equipment and PPE which were placed on the market or supplied for use from 1 May 2004.

Products manufactured by reliable suppliers comply with the essential safety requirements regarding their design and structure. But besides them **defective products are placed on the market** that lack relevant documentation and user manuals. As they are usually cheaper employers are keen to purchase them to reduce the cost of their activity.

Similarly as in the previous years labour inspectors revealed infringements of OSH regulations in **coal mines**. The irregularities mostly referred to the condition of transportation routes, means of transport and the security of excavation area. Additionally, **working time standards** are not observed in coal mines as is the duty to ensure rest days for work on Saturdays, Sundays and holidays.

Inspections in **power plants and industrial power plants** as well as reconnaissance inspections of **wind farms** revealed that fire protection of equipment was inadequate, persons who repaired and maintained the equipment often lacked relevant qualifications and that personal protective equipment was not in place.

Labour inspectors who visited **companies marked with a potentially high risk of industrial failure** where dangerous substances (liquid fuels, liquefied LPG gas and other flammable gases, ammonium and chlorine) are kept in amounts too small to classify them as companies creating the risk of a major industrial failure – found that the actions the employers at these companies took to reduce the risk of a failure and its effects were inadequate.

Based on the analysis of inspection results which the National Labour Inspectorate carried out in 2010 it may be affirmed that **the state of occupational safety and health – despite certain signs of improvement – is still unsatisfactory**.

Rapidly changing realities of the national economy and the socio-economic situation in Poland exert the greatest influence upon working conditions and employers' attitudes. Moreover, decreased demand and stagnation on the market are not conducive to legal compliance. **Many companies strive to cut their expenses, among others by reducing the funds for work safety.** Besides, entrepreneurs, especially from small companies, are not keen to invest in refurbishment work, new technologies, or replacement of machinery.

**Regardless of financial reasons,** in labour inspectors' opinion the most important causes of identified irregularities include: inadequate knowledge of entrepreneurs who undertake economic activity with regard to labour law provisions and the ensuing duties to ensure appropriate OSH conditions; inadequate supervision of work and negligence of supervisory personnel towards aberrations from the existing legal provisions.

The OSH situation described above requires that the National Labour Inspectorate undertake further intensified and complementary actions which should consist in:

- **focusing inspection and supervision** on those economic sectors and companies where occupational and accident hazards are most common;
- continuing the **short-term inspections** focused on identifying and eliminating these irregularities which cause immediate hazard to life and health of workers;
- optimum use of corrective measures with regard to employers, proportionately to the identified situation and its causes, including **follow-up inspections** of employers who persistently and deliberately violate legal provisions.
- **specialist supervision** of these areas where it is essential to have in-depth knowledge of the existing hazards and high competence of labour inspectors (e.g. construction, mining, chemistry, power supply, market surveillance);
- supporting employers in implementation of **good practice** with regard to technical safety of work;
- ongoing **professional advancement** of labour inspectors' skills in relation to changes made to national and Community legislation as well as technical and technological advances.

Implementation of **preventative and promotional** tasks contained in the NLI's programme of activity for 2010 consisted mainly in popularizing the knowledge of labour protection issues among the largest possible group of target audience and providing specialist support and incentive for participants of the NLI's programmes to undertake effective action for the improvement of worker safety and health protection. The table below presents the outcome in the form of the overall number of entities covered with actions which popularize safe behaviour in the working environment (in the framework of

communication and promotion campaigns and programmes, seminars and practical shows) and the overall number of entities participating in programmes addressed to the most accident-prone branches:

- 163 thousand entities covered with preventative and promotional activity of the National Labour Inspectorate in the area of labour protection;
- 27 thousand of various actions (of preventative and promotional nature), including:
  - raising awareness of labour protection issues,
  - training on safe behaviour in the working environment,
  - meetings and consultations with social partners,
  - visits to locations where farming work is performed,
  - provision of specialist help and encouragement to participants of programmes for the improvement of work safety and working conditions;
- 128.6 thousand entities – participants of preventative and promotional programmes coordinated at the national level.

The following examples of results of the NLI's preventative and promotional activities in 2010 are particularly worth of mention:

- over **1.2 thousand employers** – owners of small companies with the poorest accident record – having completed training in OSH management – **undertook corrective actions**;
- 1.5 thousand of machines in operation were put **in conformity with essential OSH requirements**;
- over **600 employers** (owners of micro companies ) won the **NLI's diploma** to certify the achievement of a required safety level;
- **220 employers** of construction companies were appraised positively by labour inspectors after they had implemented **effective organizational and technical solutions for work at height**.

In 2010, the most media-oriented undertaking of the National Labour Inspectorate was a communication **campaign** titled "**Respect life! Safe work at height**" addressed in particular to employers – owners of small construction companies who employ up to 49 workers.

What proved particularly significant was support for the campaign provided by the **largest construction companies** in Poland and their commitment to instilling high OSH standards in construction, especially with regard to influencing the behaviour of subcontractors. The second important feature of the campaign was a considerable financial **support** of the **Social Insurance Institution** which made it possible to prolong the broadcasting period of

many communication spots and to increase the print run of publications devoted to construction.

In the framework of communication and promotion actions for **private farming** the year 2010 saw intensified cooperation with KRUS (The Agricultural Social Insurance Fund) and social partners concerned with improving safety in the above sector of economy. One of the effects of cooperation was printing the total of 600 thousand copies of NLI's publications for private farmers by KRUS (from its own resources) and Lesser Poland's Farming Chamber (from the EU resources).

Collection of examples of *good practice* implemented by employers who participated in the programmes made it possible to draft some ten odd **guides** containing practical guidance **on how to ensure safe working conditions in, among others, construction, farming and production – during operation of machinery.**

In the reporting year for the first time ever the National Labour Inspectorate had access to **individual data based on the ZUS IWA forms**, with reference to companies where the largest number of work accident victims was recorded. The above data was utilized in the course of implementation of a prevention and inspection programme addressed to small companies. The above arrangement is a milestone towards optimum selection of companies for preventative activities.

**Economic rationale** was given high priority during execution of NLI's tasks in the area of accident prevention, as it can effectively support the rules of systemic management of OSH issues.

The National Labour Inspectorate will continue with its preventative and promotional activity in branches which are of key importance owing to high accident rates. Strategic approach to considerable reduction of the number of work related accidents necessitates the following actions:

- use of available tools for **social communication** to popularize safe attitudes and behaviour in the working environment;
- development of **IT databases** to optimize the selection of entities – addresses of NLI's actions for **effective prevention**;
- development of **partnership** with all institutions and organizations concerned with the achievement of sustainable improvement of worker safety and health protection.

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**Annex 1** - Employees of the National Labour Inspectorate and the NLI's Training Centre in Wrocław in 2010

**Annex 2a** - Statistical data on the National Labour Inspectorate's activity in 2010 – inspections and legal measures (per sectors of the national economy, according to PKD – equivalent of NACE)

**Annex 2b** - Statistical data on the National Labour Inspectorate's activity in 2010 – inspections and legal measures (per the number of employees)

**Annex 2c** - Statistical data on the National Labour Inspectorate's activity in 2010 – inspections and legal measures (per the forms of ownership)

**Annex 3a** - Statistical data on the National Labour Inspectorate's activity in 2010 – offences and crimes against the rights of persons performing paid work (per sectors of the national economy, according to PKD – equivalent of NACE)

**Annex 3b** - Statistical data on the National Labour Inspectorate's activity in 2010 – offences and crimes against the rights of persons performing paid work (per the number of employees)

**Annex 3c** - Statistical data on the National Labour Inspectorate's activity in 2010 – offences and crimes against the rights of persons performing paid work (per the forms of ownership)

**Annex 4** - Economic entities operating in Poland in 2010, according to PKD (equivalent of NACE)



<b>A. Employees of the National Labour Inspectorate and the NLI's Training Centre in Wrocław in 2010</b>				
<b>Official duties</b>	<b>National Labour Inspectorate</b>			<b>NLI's Training Centre in Wrocław</b>
	<b>Total</b>	<b>Number of employees at the Chief Labour Inspectorate</b>	<b>Number of employees at District Labour Inspectorates</b>	
Total, including:	2 715	201	2 514	58
employees in managerial positions except for chief accountants	24	24	-	2
Inspectors in managerial positions (District Labour Inspectors and their deputies)	48	-	48	-
Principal labour inspectors - heads of sub-districts	43	-	43	-
Other inspectors	1 510	-	1 510	-
Trainee inspectors	68	-	68	-
Specialists not performing inspection activities	456	93	363	10
Employees in charge of recording and analysing activities of labour inspectors	213	35	178	-
Accountants, including chief accountants	77	9	68	3
Administrative staff	216	36	180	16
Maintenance workers	60	4	56	24
Teaching staff	-	-	-	3
<b>B. Breakdown by age and education Job tenure of the NLI's employees</b>				
<b>Specification</b>			<b>Per cent of all the employees</b>	
<b>AGE</b>				
Below 30 years of age		186		7
31-40 years		804		29,5
41-50 years		726		27
51-60 years		722		26,5
Above 60 years		277		10
<b>EDUCATION</b>				
HIGHER STUDIES in:		2394		88
<i>Law</i>		614		22,5
<i>Administration</i>		232		8,5
<i>Sciences</i>		1104		41
<i>Other fields</i>		444		16
POST-SECONDARY		61		2
SECONDARY		212		8
VOCATIONAL		36		1,5
PRIMARY		12		0,5
<b>JOB TENURE AT THE NLI</b>				
Up to 5 years		771		28,5
6-10 years		421		15,5
11-15 years		679		25
16-20 years		500		18,5
21-25 years		170		6
26-30 years		129		5
over 30 years		45		1,5

Source: NLI's data

**Statistical data on the National Labour Inspectorate's activity in 2010 – inspections and legal measures**  
(per sectors of the national economy, according to PKD – equivalent of NACE)

Specification		Number of:								
		inspec- tions	total	decisions			protests, as stipulated in Article 56 of Construction Law	decisions concerning cessation of activity	notices	instructions included in the notices
				concerning:						
1	2	3	4	stoppage of work	sending workers to other tasks	payment of benefits	8	9	10	11
	Total, including:	<b>95 273</b>	<b>346 655</b>	<b>9 519</b>	<b>4 902</b>	<b>9 377</b>	<b>276</b>	<b>33</b>	<b>60 618</b>	<b>333 496</b>
1.	Agriculture and forestry	1 608	6 554	192	101	88	1	0	1 065	5 626
2.	Mining	422	2 132	14	21	44	0	0	241	1 017
3.	Industrial processing	20 864	106 478	1 798	887	3 443	55	18	13 883	74 838
4.	Production of electricity	555	3 678	18	18	4	0	1	347	1 460
5.	Water supply	1 088	4 622	82	38	61	4	1	711	3 864
6.	Construction	19 362	82 909	6 373	3 224	1 671	33	2	10 091	46 391
7.	Trade and repairs	24 468	83 614	572	345	1 542	67	4	17 086	101 356
8.	Transport, storage management	4 582	9 562	82	58	626	9	2	3 168	18 377
9.	Accommodation and food service activities	3 751	11 072	30	33	312	19	0	2 648	17 396
10.	Information and communication	802	1 731	14	12	175	2	0	517	3 070
11.	Finances and insurance	787	1 203	7	3	71	3	0	493	2 602
12.	Real estate management	1 256	2 717	62	39	103	17	0	645	3 458
13.	Professional activity	2 037	4 296	75	26	276	10	1	1 245	7 038
14.	Administrative services	3 174	5 198	78	48	287	0	0	2 030	10 312
15.	Public administration	1 829	2 517	14	6	15	18	0	803	3 333
16.	Education	2 826	7 177	48	19	184	3	1	2 014	10 268
17.	Health care and social work activities	2 294	3 752	15	5	151	9	1	1 578	10 496
18.	Cultural, entertainment and recreational activities	1 035	2 429	26	8	96	4	1	646	3 653
19.	Other service activities	2 063	4 810	15	10	228	3	1	1 380	8 827
20.	Households	7	6	0	0	0	0	0	2	5
21.	Exterritorial organisations	1	0	0	0	0	0	0	1	7
22.	Unspecified activity	462	198	4	1	0	19	0	24	102

Explanations to column 2:

**Ad.4.** Manufacture and supply of electricity, gas, water

**Ad.5.** Water supply: sewage, waste, reclamation

**Ad.7** Wholesale and retail trade; repair of mechanical vehicles, incl. motorbikes

**Ad.9.** Activity related to accommodation and catering services

**Ad.11.** Financial and insurance activity

**Ad.13.** Professional, scientific and technical activity

Explanations to columns 4, 9, 10:

Re. column 4: total number of decisions issued by labour inspectors based on article 11 point 1, 2, 3, 4, 6, 7 of the NLI's Act;

Re. column 9: number of decisions issued by District Labour Inspectors based on article 11 point 5 of the NLI's Act;

Re. column 10: number of notices addressed by labour inspectors based on article 11 point 8 of the NLI's Act.

Source: NLI's data

### Statistical data on the National Labour Inspectorate's activity in 2010 – inspections and legal measures

(per the number of employees)

Specification		Number of:								
		inspections	decisions			protests, as stipulated in Article 56 of Construction Law	decisions concerning cessation of activity	notices	instructions included in the notices	
			total	concerning:						
				stoppage of work	sending workers to other tasks	payment of benefits				
1	2	3	4	5	6	7	8	9	10	11
	<b>Total,</b> including companies with the following numbers of employees:	<b>95 273</b>	<b>346 655</b>	<b>9 519</b>	<b>4 902</b>	<b>9 377</b>	<b>276</b>	<b>33</b>	<b>60 618</b>	<b>333 496</b>
1	1 - 9	49 796	171 910	5 561	2 918	3 363	200	23	29 534	164 884
2	10 - 49	27 550	115 173	2 824	1 426	3 910	41	5	19 046	109 205
3	50 - 249	12 168	44 818	880	418	1 704	28	2	8 269	41 678
4	250 and more	5 759	14 754	254	140	400	7	3	3 769	17 729

Explanations to columns 4, 9, 10:

Re. column 4: total number of decisions issued by labour inspectors based on article 11 point 1, 2, 3, 4, 6, 7 of the NLI's Act;

Re. column 9: number of decisions issued by District Labour Inspectors based on article 11 point 5 of the NLI's Act;

Re. column 10: number of notices addressed by labour inspectors based on article 11 point 8 of the NLI's Act.

Source: NLI's data

## Statistical data on the National Labour Inspectorate's activity in 2010 – inspections and legal measures

(per the forms of ownership)

1	Specification	Number of								
		inspections	decisions			protests, as stipulated in Article 56 of Construction Law	decisions concerning cessation of activity	notices	instructions included in the notices	
			total	concerning:						
			stoppage of work	sending workers to other tasks	payment of benefits					
1	<b>Total, including:</b>	<b>95 273</b>	<b>346 655</b>	<b>9 519</b>	<b>4 902</b>	<b>9 377</b>	<b>276</b>	<b>33</b>	<b>60 618</b>	<b>333 496</b>
1	<b>The public sector<sup>1</sup> in total, including:</b>	<b>9 079</b>	<b>23 162</b>	<b>185</b>	<b>85</b>	<b>477</b>	<b>31</b>	<b>6</b>	<b>5 700</b>	<b>28 622</b>
	1. the state ownership	2 697	6 346	72	24	178	2	1	1 512	6 444
	2. ownership of local authorities	5 990	15 279	104	51	241	28	5	3 982	21 317
	3. mixed ownership	392	1 537	9	10	58	1	0	206	861
2	<b>The private sector<sup>2</sup> in total, including:</b>	<b>85 796</b>	<b>323 282</b>	<b>9 329</b>	<b>4 814</b>	<b>8 900</b>	<b>227</b>	<b>27</b>	<b>54 880</b>	<b>304 745</b>
	1. Polish private firms	76 649	292 500	8 649	4 448	7 343	197	26	49 408	277 371
	2. foreign private firms	4 981	15 057	283	156	679	17	0	2 975	15 277
	3. private firms of mixed ownership	4 166	15 725	397	210	878	13	1	2 497	12 097
3	<b>Mixed<sup>3</sup> balanced sector</b>	<b>17</b>	<b>30</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11</b>	<b>48</b>
4	<b>Unspecified ownership</b>	<b>381</b>	<b>181</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>18</b>	<b>0</b>	<b>27</b>	<b>81</b>

Explanations to column 2:

<sup>1/</sup> **the public sector** comprises entities owned by the state, by local authorities, as well as entities where the majority of shares belong to the public sector entities;

<sup>2/</sup> **the private sector** comprises economic entities which belong to national private owners, foreign private owners, and entities where the majority of shares belong to the private sector entities;

<sup>3/</sup> **mixed balanced sector** comprises entities where equal volumes of shares are owned by public and private entities.

Explanations to columns 4, 9, 10:

Re. column 4: total number of decisions issued by labour inspectors based on article 11 point 1, 2, 3, 4, 6, 7 of the NLI's Act;

Re. column 9: number of decisions issued by District Labour Inspectors based on article 11 point 5 of the NLI's Act;

Re. column 10: number of notices addressed by labour inspectors based on article 11 point 8 of the NLI's Act.

Source: NLI's data

**Statistical data on the National Labour Inspectorate's activity in 2010 – offences and crimes  
against the rights of persons performing *paid work***

*(per sectors of the national economy, according to PKD – equivalent of NACE)*

Specification		Number of:							notifications of crimes sent to prosecutors' offices
		identified offences				applied legal measures, such as:			
		total	including:			imposed fines	motions lodged with courts	applied disciplining measures	
the ones penalised with fines	the ones reported to courts		the ones covered with disciplining measures						
1	2	3	4	5	6	8	9	10	11
	<b>Total, including:</b>	<b>87 975</b>	<b>54 279</b>	<b>13 249</b>	<b>20 447</b>	<b>20 615</b>	<b>4 165</b>	<b>11 728</b>	<b>1 224</b>
1.	Agriculture and forestry	1 460	968	181	311	326	76	185	20
2.	Mining	294	227	36	31	110	11	27	7
3.	Industrial processing	19 716	12 311	3 262	4 143	4 446	992	2 343	220
4.	Production of electricity	297	205	11	81	91	4	57	5
5.	Water supply	813	465	117	231	192	38	130	8
6.	Construction	23 744	16 838	2 973	3 933	6 809	914	2 383	348
7.	Trade and repairs	21 550	12 314	2 857	6 379	4 452	915	3 408	230
8.	Transport, storage management	4 359	2 837	814	708	1 113	247	446	108
9.	Accommodation and food service activities	4 296	2 125	1 117	1 054	742	327	621	60
10.	Information and communication	725	419	134	172	166	46	93	19
11.	Finances and insurance	530	292	120	118	127	39	83	18
12.	Real estate management	815	461	134	220	173	51	125	9
13.	Professional activity	1 522	894	268	360	366	84	217	27
14.	Administrative services	2 221	1 262	443	516	525	146	345	62
15.	Public administration	394	147	16	231	76	7	128	1
16.	Education	1 087	464	170	453	169	67	295	18
17.	Health care and social work activities	1 672	772	240	660	273	92	344	27
18.	Cultural, entertainment and recreational activities	660	348	80	232	135	29	135	8
19.	Other service activities	1 764	915	258	591	317	74	347	21
20.	Households	6	0	0	6	0	0	5	0
21.	Exterritorial organisations	0	0	0	0	0	0	0	0
22.	Unspecified activity	50	15	18	17	7	6	11	8

Explanations to column 2:

**Ad.4.** *Manufacture and supply of electricity, gas, water*

**Ad.5.** *Water supply: sewage, waste, reclamation*

**Ad.7** *Wholesale and retail trade; repair of mechanical vehicles, incl. motorbikes*

**Ad.9.** *Activity related to accommodation and catering services*

**Ad.11.** *Financial and insurance activity*

**Ad.13.** *Professional, scientific and technical activity*

Source: NLI's data

**Statistical data on the National Labour Inspectorate's activity in 2010 – offences and crimes  
against the rights of persons performing *paid work***

*(per the number of employees)*

Specification		Number of:							
		identified offences				applied legal measures, such as:			notifications of crimes sent to prosecutors' offices
		total	including:			imposed fines	motions lodged with courts	applied disciplining measures	
the ones penalised with fines	the ones reported to courts		the ones covered with disciplining measures						
1	2	3	4	5	6	8	9	10	11
	<b>Total</b> , including companies with the following numbers of employees:	<b>87 975</b>	<b>54 279</b>	<b>13 249</b>	<b>20 447</b>	<b>20 615</b>	<b>4 165</b>	<b>11 728</b>	<b>1 224</b>
<b>1</b>	<b>1 - 9</b>	50 031	30 227	7 872	11 932	11 169	2 482	6 638	812
<b>2</b>	<b>10 - 49</b>	25 276	16 161	3 663	5 452	6 031	1 084	3 134	239
<b>3</b>	<b>50 - 249</b>	8 942	5 537	1 286	2 119	2 313	435	1 333	101
<b>4</b>	<b>250 and more</b>	3 726	2 354	428	944	1 102	164	623	72

Source: NLI's data

**Statistical data on the National Labour Inspectorate's activity in 2010 – offences and crimes  
against the rights of persons performing *paid work***

*(per the form of ownership)*

Specification	Number of:								
	total	identified offences			applied legal measures, such as:			notifications of crimes sent to prosecutors' offices	
		the ones penalised with fines	the ones reported to courts	the ones covered with disciplining measures	imposed fines	motions lodged with courts	applied disciplining measures		
1	2	3	4	5	6	8	9	10	11
	<b>Total, including:</b>	<b>87 975</b>	<b>54 279</b>	<b>13 249</b>	<b>20 447</b>	<b>20 615</b>	<b>4 165</b>	<b>11 728</b>	<b>1 224</b>
1	<b>The public sector<sup>1</sup> in total, including:</b>	<b>3 789</b>	<b>1 769</b>	<b>390</b>	<b>1 630</b>	<b>749</b>	<b>160</b>	<b>942</b>	<b>39</b>
	1. the state ownership	1 170	578	220	372	276	81	228	20
	2. ownership of local authorities	2 475	1 127	137	1 211	437	68	677	17
	3. mixed ownership	144	64	33	47	36	11	37	2
2	<b>The private sector<sup>2</sup> in total, including:</b>	<b>84 139</b>	<b>52 490</b>	<b>12 852</b>	<b>18 797</b>	<b>19 855</b>	<b>4 001</b>	<b>10 772</b>	<b>1 177</b>
	1. Polish private firms	77 145	48 075	11 645	17 425	18 012	3 616	9 905	1 062
	2. foreign private firms	3 711	2 321	642	748	944	200	461	67
	3. private firms of mixed ownership	3 283	2 094	565	624	899	185	406	48
3	<b>Mixed<sup>3</sup> balanced sector</b>	<b>10</b>	<b>6</b>	<b>0</b>	<b>4</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>0</b>
4	<b>Unspecified ownership</b>	<b>37</b>	<b>14</b>	<b>7</b>	<b>16</b>	<b>8</b>	<b>4</b>	<b>11</b>	<b>8</b>

Explanations to column 2:

<sup>1/</sup> **the public sector** comprises entities owned by the state, by local authorities, as well as entities where the majority of shares belong to the public sector entities;

<sup>2/</sup> **the private sector** comprises economic entities which belong to national private owners, foreign private owners, and entities where the majority of shares belong to the private sector entities;

<sup>3/</sup> **mixed balanced sector** comprises entities where equal volumes of shares are owned by public and private entities.

Source: NLI's data

**Economic entities operating in Poland in 2010, according to PKD (equivalent of NACE)**

Specification (PKD/NACE sections)	Entities for which work is performed on the basis of employment contracts and civil law contracts (in thousands)	Natural persons conducting economic activity, without employees (in thousands)
<b>Total</b>	<b>656,5</b>	<b>803,3</b>
A. Agriculture and forestry	12,3	10,9
B. Mining	1,02	0,4
C. Industrial processing	87,8	71,9
D. Production of electricity	0,99	0,5
E. Water supply	4,4	1,8
F. Construction	82,4	120,6
G. Trade and repairs	203,4	214,1
H. Transport, storage management	40	69,8
I. Accommodation and food service activities	25,3	19,2
J. Information and communication	10,9	27,4
K. Finances and insurance	10,6	29,5
L. Real estate management	12,7	14,7
M. Professional activity	45,2	85,1
N. Administrative services	14,1	23,9
O. Public administration	7,4	0,32
P. Education	30,6	15,1
Q. Health care and social work activities	25,3	47,4
R. Cultural, entertainment and recreational activities	9,4	8,9
S. Other service activities	32,7	41,7
T. Households	0,004	0,003
U. Exterritorial organisations	0,07	0,01

*Source: specification based on the Social Insurance Institution's data concerning the number of active payers that pay contributions for social insurance and for the Labour Fund (as of August 2010).*