

## **Report on the National Labour Inspectorate's activity in 2014**

### **(summary)**

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.

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.

Several permanent opinion-giving and advisory bodies have been established to assist the Chief Labour Inspector's work. These are, as follows:

- 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.

In 2014, the Act on the National Labour Inspectorate was amended two times. The introduced changes referred to the NLI's tasks in the area of inspecting activity conducted

by entities mentioned in art. 18c of the *Act of 20 April 2004 on the promotion of employment and labour market institutions*. At the same time, the list of entities subject to inspection was adequately modified.

Moreover, owing to the modification of the title of the *Act of 15 December 2000 on professional self-government of architects, construction engineers and urbanists* (Journal of Laws of 2013, item 932, with amendments), correction was made to the provision specifying the list of entities authorised to propose candidates for members of the Qualification Commission for the Assessment of Candidates for Surveyors.

**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 special conditions** or work of special nature;
- inspecting **products** placed on the market or commissioned for use 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 work** focused on observance of labour law, in particular work safety and health regulations,
  - initiating actions for labour protection in **private farming**,
  - providing **guidance** 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 inspection'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 articles 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, employer organizations, self-government bodies of workforce in companies, worker 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 2014, the NLI's inspection and preventive activity was carried out **in accordance with the annual and long-term work plan (2013-2015)**, 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, employer organizations, ministries and central institutions, authorities for supervision and inspection of working conditions, and research institutes. **The tasks included in the programme were fulfilled by the National Labour Inspectorate.**

In 2014, NLI's inspectors **carried out 90.1 thousand inspections**, that is by 2.1 thousand more than scheduled in the work plan adopted in 2014. In total, the inspections covered over **72.7 thousand employers and other entities**, for which work was performed by 3.7 million persons.

In connection with infringements, identified during visits, of legal provisions on work safety and health, labour inspectors issued over **318.3 thousand decisions**. The largest number of them (16%) referred to issues such as preparation of workers for work, (among others: OSH training, medical examinations, qualification-based authorisation); workstations and work processes – 12%; as well as machines and technical devices – 12%.

District Labour Inspectors issued **16 decisions** ordering to stop conducting activity (5) or a specific type of activity (11). They most frequently referred to small enterprises with up to 49 employees, of which more than half engaged up to 9 persons. Most of those companies (14) were privately owned. The total number of employees in those businesses was 2.8 thousand workers. The decisions on stoppage of activity or a specific type of activity concerned 93 persons.

The decisions ordering to stop economic activity altogether or a specific type of activity are issued in special circumstances: when infringements of legal provisions create a risk to life or health of workers, natural persons performing work on basis other than an employment relationship, including persons conducting economic activity on their own account, and

simultaneously when the infringements result in a permanent situation, which cannot be changed by other decisions of a labour inspector.

Besides decisions on work safety, labour inspectors issued almost **8.1 thousand decisions ordering the payment** of salaries or other employment-related benefits. The decisions referred to **amounts due to 95.4 thousand employees, to the sum total of 171.4 million PLN.**

*The Act of 19 December 2008 on **old-age bridging pensions*** obliged the NLI, as of 1 January 2010, to inspect registers of workers performing work of special nature or in special conditions, and to issue decisions ordering to: include a worker's name in such registers, delete a worker's name from such registers, and correct an existing entry in such registers.

In 2014, the National Labour Inspectorate's inspectors issued **7 decisions** ordering to include the worker's name in the register of employees performing work of special nature or in special conditions. The proceedings were discontinued in 89 cases.

Besides decisions, inspectors addressed over **60 thousand improvement notices** to inspected enterprises, with **283.7 thousand instructions** to remove identified irregularities.

In 2014, inspectors issued almost **11.2 thousand verbal instructions** concerning irregularities which can be eliminated during the inspection visit or immediately after its completion. The instructions were related mainly to matters such as employment relationship, salaries and other benefits due to employees.

In the course of inspections, NLI's inspectors disclosed a total of **91.8 thousand offences** against the rights of persons performing paid work. They imposed 19 514 fines on offenders in the form of **penalty tickets**; in 3 340 cases they filed **requests with courts for punishing the offenders**; and in 16 852 cases they applied **disciplining measures**.

According to information valid as of 10 February 2015, **the courts** examined the requests filed in 2014 by the NLI's inspectors and punished 2 797 offenders with fines, and 79 others with a rebuke. In 36 cases, the courts found the perpetrators guilty of committing the deeds they were charged with, but resigned from punishing them, and 41 persons were acquitted.

The sum total of **finest imposed by courts** was over **5.9 million PLN**, whereas the sum total of fines imposed by labour inspectors in the form of **penalty tickets** was almost **23.2 million PLN** (the average fine imposed by a court was 2 121 PLN, and the one imposed by a labour inspector as a penalty ticket was 1 187 PLN).

In 2014, labour inspectors sent **626 notifications** to prosecutor's offices of the suspicion that a crime was committed. As a result of submitted notifications, 188 proceedings were initiated and are still in progress; in 61 cases the prosecutors refused to commence proceedings; 168 proceedings were discontinued; 95 indictments were sent to courts (data as of 10.02.2015).

**The courts**, having considered the indictments sent by prosecutor's offices, found 23 defendants guilty of committing offences they were charged with (data as of 10.02.2015) and they sentenced them to: a **fine** (13 persons) and **imprisonment with a conditional suspension** of its execution (10 persons). With reference to 11 defendants, the court found them guilty, yet **conditionally discontinued** the penal proceedings. In 2014, there was no acquittal, while in one case the court discontinued the proceedings.

Labour inspectors checked over **52 thousand civil-law contracts** in over **10 thousand companies** (in 2013 – 44 thousand contracts and 9 thousand companies). Like in the previous year, every fifth inspected employer or entrepreneur did not comply with a ban on concluding civil law contracts in conditions typical of employment contracts – the problem concerned almost 15% of civil-law contracts checked by labour inspectors. **225 lawsuits to establish the existence of an employment relationship for the benefit of 375 persons** were sent to labour courts.

In 2014, the National Labour Inspectorate's inspectors received the total of **41.7 thousand complaints** which mentioned over **89.9 thousand problems** altogether that required intervention of the labour inspection. In connection with those complaints, labour inspectors conducted almost 25.3 thousand inspections (over 28% of the overall number of inspections in the reporting year), In the case of one-fourth of the complaints, the proceedings to collect evidence during the visit did not allow to verify the charges of the complainants (e.g. due to disputable nature of the benefits); therefore the disputes remained to be settled only by the court. Labour inspectors regarded 60% of the remaining complaints as justified or partially justified.

The NLI's specialists provided **about 1.2 million pieces of legal advice free of charge**.

The year 2014 saw a further decrease in the number of concluded collective agreements, limitation of the scope of employee rights and the continued tendency to dissolve the existing collective agreements and replace them with remuneration rules. The National Labour Inspectorate registered **88** company-level **collective agreements**, that is by 21 fewer than a year earlier. They covered over **43 thousand** employees. **1030** annexes to existing agreements were also registered.

In 2014, during **8 448 inspections** of employers who are payers of contributions for accident insurance, labour inspectors checked the correctness of information transmitted in ZUS IWA forms, concerning the essential data that have influence on the amount of contributions. The essential data refer to the number of insured employees reported for accident insurance, the number of persons injured in all work accidents, but also in fatal and serious ones, the number of persons employed in hazardous conditions, and the type of conducted activity.

**In as few as 491 inspections (5.8%) it was determined that employers had provided incorrect data** in information submitted to ZUS. 203 contribution payers corrected the information electronically during the ongoing inspection activities. In the remaining cases (288), labour inspectors informed the Social Insurance Institution of the identified irregularities and at the same time they provided the correct data to be used for calculating the individual contribution for accident insurance. The largest number of irregularities were identified as regards reporting the number of persons:

- employed in hazardous conditions (113 cases – 1.3% of employers);
- injured in work accidents in total (104 cases – 1.2% of employers).

In relation to employers in whose companies labour inspectors find glaring negligence in the area of work safety and health during 2 subsequent visits, NLI's inspectors submit **requests for raising contributions for accident insurance**. In 2014, labour inspectors sent 170 such requests to the Social Insurance Institution. **Most of them (76%) concerned companies of the construction sector (130 requests)** and businesses operating in the manufacturing sector (26 requests – 15%).

In 2014, labour inspectors conducted **inspections at companies of 102 employers**, for whom ZUS raised contributions for accident insurance in years 2012-2013 following requests of labour inspectors. During inspections conducted **in 23 enterprises (23% of the total number of those inspected) no administrative decisions on OSH were issued**, which is evidence of the change of employers' attitude to the issue of ensuring safe and healthy working conditions to their workers. **In the case of those employers, the**

**mechanism of diversified contribution for accident insurance turned out to be completely successful**, although the increase of contribution was probably one of several factors convincing employers to improve OSH conditions. This is all the more important that most companies (15) of that group represented the construction sector.

While implementing preventive and inspection tasks, the National Labour Inspectorate provides external entities with information on the causes of accidents that happened, on training meetings, conferences and seminars, and the possibility to take part in preventive programmes. In 2014, **information and preventive letters** were sent to **13.5 thousand recipients**.

In 2014, while implementing the tasks of a liaison office, the Polish labour inspection sent **27 cases related to the employment of workers posted to work in the territory of another Member State** to competent offices of the EU/EEA Member States (in 2013 – 37 cases, in 2012 – 32 cases). Moreover, 33 cases not related to posted workers were sent to competent offices of the Member States and the Swiss Confederation (in 2013 – 21 cases, in 2012 – 32 cases).

**56 cases** initiated in years 2012-2013 were finished, including: 19 cases conducted within the cooperation with Belgium, 16 cases – with France and 8 cases – with Germany.

Moreover, in 2014 the NLI provided over **1198.3 thousand free pieces of advice** in total, including over 939 thousand pieces of advice (78%) on legal matters and almost 260 thousand (22%) on technical matters.

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While implementing one of the NLI's most important tasks, that is elimination and reduction of occupational hazards in the working environment, **NLI's inspectors examined the circumstances and causes of 2 002 work accidents which occurred in 2014 and were reported to the inspectorate. Those incidents resulted in injuries to 2 349 persons, including 768 persons seriously injured and 267 fatal victims.**

In 2014, labour inspectors conducted **24.6 thousand inspections** during which they examined the legality of employment and other paid work of Polish citizens. In 23.9 thousand entities covered by inspections, work was performed by 861.6 thousand persons, including 223.5 thousand of those working on the basis of civil-law contracts, and almost



12 thousand of those conducting economic activity on their own account (self-employment).

**NLI verified the legality of employment of over 166.5 thousand persons**, including over 34 thousand of those performing work based on civil-law contracts or self-employment. **407.4 thousand persons were covered by inspections focused on compliance with the duty to pay contributions to the Labour Fund.**

Moreover, in 2014 labour inspectors conducted 2 240 inspections of **legality of employment and performance of work by foreigners.**

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Although the statistical results of labour inspectors' work do not reflect the Inspectorate's all initiatives to eliminate irregularities in employment and hazards to health and life of employees, they are an important indicator which illustrates the scale of negative phenomena in the labour protection area on the one hand, and on the other hand the effectiveness of actions undertaken by labour inspectors in inspected companies.

It needs to be especially underlined that owing to a quick reaction of labour inspectors, **immediate hazards to the life or health of 71 thousand persons** working in inspected companies were eliminated.

As a result of last year's activities, **7.5 thousand persons who were parties to civil-law contracts** and **1.4 thousand persons** working with **no contract at all** obtained written confirmation of the existence of an employment relationship.

**Almost 11 thousand workers** of various branches were granted overdue annual leaves.

Moreover, labour inspectors **enforced the payment of salaries** and other benefits from an employment relationship **to 82.9 thousand employees in the total amount of 105.5 million PLN.**

The National Labour Inspectorate also enforced the payment of due amounts to the Labour Fund; **the payers paid overdue contributions for 25.7 thousand employees in the amount of 2.5 million PLN.**

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The year 2014 saw implementation of initiatives resulting from Poland's membership in the European Union and international organisations dealing with broadly understood labour protection. The National Labour Inspectorate also implemented stipulations of bilateral agreements on cooperation and information exchange with foreign partners. This was connected with the participation in numerous international events popularising proven solutions and *good practices* of other inspectorates. Such initiatives were undertaken both at the central and regional levels.

**The Senior Labour Inspectors' Committee** (SLIC) brings together the heads of the EU/EEA labour inspectorates. The NLI's management are also among its members. Each year inspection's representatives take part in two plenary sessions, which are an occasion to conduct international dialogue, exchange experience and consult community actions for labour protection.

In May, the Chief Labour Inspector attended the 66<sup>th</sup> SLIC meeting in Athens (Greece). The Thematic Day was organised under the slogan "Involvement of employees in OSH management in SMEs. Effective actions and their implications for strategies and practices of labour inspectorates". During the conference, attention was drawn, among others, to the fact that active participation of workers in decisions related to their health and safety is of key significance for widely understood prevention in the workplace.

In line with the decisions taken at the forum of the Committee, in 2015 NLI's representatives will be involved in the work of newly established SLIC Working Groups:

- ✓ for the preparation of the all-European campaign in 2016 called "Safety and health of temporary agency workers",
- ✓ for the organisation of the Thematic Day in Latvia.

67<sup>th</sup> SLIC plenary meeting was held in November in Rome, preceded by the Thematic Day titled "**Flexible work as an alternative form of employment and measures to combat spreading of precarious employment without any guarantees**". There was a presentation of the results of a questionnaire concerning labour inspectorate's actions in relation to workers taking up atypical forms of employment, such as temporary work, shift work, part-time employment, work as self-employed persons. The conference programme included a presentation by the NLI's expert on legal compliance with respect to temporary workers in the light of the Polish experience.

In 2014, NLI's representatives also took part in permanent central initiatives on technical issues in the framework of administrative cooperation, that is in meetings of Working Groups and **Administrative Cooperation Groups (ADCO)** for: directive on personal protective equipment (89/686/EEC), directive on machinery (2006/42/EC), lift directive (95/16/EC), directive on simple pressure vessels (87/404/EEC) and pressure equipment (97/23/EC). In connection with taking over the chairmanship of the ADCO Group for machinery directive, in the second half of the year, there was a meeting in Cracow attended by 32 representatives of bodies for market surveillance of machines from 17 EU Member States, one candidate country and two EFTA states.

In June, NLI's representatives took part in XVIII meeting of the **International Network of Training Institutes on Labour (RIIFT)**. The discussion focused on the topic **"International mobility and worker protection – activities of training institutes and labour administration for the protection of migrant workers"**. In the course of the meeting, experiences related to the protection of migrant workers were presented. The need to cooperate with partner inspections to exchange information on posted workers was also pointed out.

Also in June, the NLI's delegation attended the 14. Congress of the **International Association of Labour Inspection (IALI)**, which was held in Geneva under the slogan **"Professionalism, partnership and quality of actions: Creation of effective labour inspection all over the world"**. The presentation on partnership initiatives in NLI's inspection and preventive activity, prepared by our delegation, was received with interest.

Moreover, in 2014 the National Labour Inspectorate cooperated with EU/EEA labour inspections, in particular from Bulgaria, Denmark, Estonia, the Netherlands, Germany, Norway and Slovakia.

Like in two previous years, the National Labour Inspectorate took part in the European project co-financed from the EU funds, titled **"Act on situations of posting of workers: Learning by doing"**, coordinated by the French INTEFP Institute. The project involved representatives of public institutions and partners from 14 EU countries (Belgium, Estonia, Finland, France, Ireland, Italy, Spain, Lithuania, Luxembourg, Latvia, the Netherlands, Poland, Portugal, Romania) and its objective was to establish the network of national experts specialising in issues of posting of workers, and to enhance administrative cooperation in matters concerning cross-border employment, among others by the exchange of experience and jointly conducted inspections of working conditions of posted workers.

In June, the NLI's representative attended an annual meeting of the European Enforcement Project (EEP) on the **Contained Use and Deliberate Release of Genetically Modified Organisms (GMO)** in Malmö. That initiative was continued in the form of participation in international inspection in the Organic Chemistry and Biochemistry Institute at the Technical University in Prague, organised in October by the Czech Institute for Environmental Protection for members of EEP for GMO from Denmark, the Netherlands, Poland, Slovakia and Switzerland.

Another sign of our inspectorate's activity on international forum was the participation of the NLI's delegation in October conference titled "**Polish-German dialogue – work safety and health**", which was held in Frankfurt upon Oder.

Also in October, the NLI's expert took part in the conference "**Joining forces in combat with human trafficking**", organised in Vienna by the Federal Ministry for European Affairs, Integration and Foreign Affairs in connection with the annual celebration of the **European Day for Combat with Human Trafficking**.

In November in Štrebskie Pleso, the NLI's representative participated in the annual meeting titled "**New trends in OSH**", during which modern directions, preventive procedures and experiences related to work safety and health were presented.

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In the area of **work safety and health**, in 2014 NLI's activities focused on the elimination or at least significant limitation of hazards in workplaces. Therefore, the main tasks included inspections of sectors and enterprises typified by particularly high occupational risk caused by the existence of factors harmful and arduous to health and high accident rates.

The NLI continued the programme of **intensified supervision** in the selected group of industrial companies with a very high level of hazards. 53 enterprises were covered by it in 2014. In the a/m companies, also persons approaching the retirement age (women above 55 years and men above 60 years of age) were engaged in conditions where hygienic standards were not observed. In comparison with the previous year, in the supervised establishments improvement was achieved in several aspects such as, among others, preparation of workers for work, organisation of internal transport, adjustment of machines to OSH requirements. As a result, in the majority of them there was some progress in

reducing hazards. One can expect that further, multidirectional actions in that group of enterprises will help consolidate the positive tendencies. Labour inspectors will pay attention to activity of employers in the process of managing work safety and health and the involvement of workers in that process.

Inspection and supervisory activities were also conducted in **other establishments where work accidents occurred, also incidents with repetitive features**. The results of re-inspections show progress with regard to each of the compared issues. In those companies measures reducing the risk were implemented, also with regard to incidents which had occurred in the past. This is worth underlining because most of those establishments were typified by significant accident hazards related to the operation of machines and the technological process itself.

Intensive monitoring covered **construction**. Labour inspectors carried out almost 5.3 thousand comprehensive inspections of construction works. Many irregularities referred to work on scaffolding, which was performed by persons without qualifications, especially during short-term work tasks. This usually meant work on incorrectly assembled scaffolding, without the adequate protective railing, working platforms, and vertical communication routes. Moreover, although work at heights belongs to the most hazardous tasks, NLI identified shortcomings such as lack of collective and personal protective equipment. Also earth works were conducted contrary to relevant legal provisions.

Small companies more often apply cheaper technologies and are unwilling to introduce new (and safe) solutions. On the other hand, much fewer shortcomings were identified by labour inspectors on sites where the construction was carried out by specialised companies, with well-functioning OSH services. With regard to large investments, the NLI adopted the rule of cyclic meetings with investors, designers and contractors at individual stages of planning and conducting construction work. There was also close cooperation with the leading construction companies operating in the framework of Agreement on Work Safety in Construction.

Shortcomings were revealed in **underground mining companies where inspections covered also establishments offering mining services for the benefit of individual mines**. They were related to improper technical condition of roads and passages, transportation and ventilation equipment. Moreover, work in underground workplaces related to the extraction of minerals was wrongly organised. Additionally, causes of work accidents were wrongly determined in as many as 20 of 73 appraised post-accident documents. Therefore, situations occurred when employers did not implement preventive

measures to counteract similar incidents. A permanent problem in mining, having effect on safety and health of workers, is non-observance of working time standards. Employees are engaged in overtime in conditions where the highest permissible concentrations and intensity of harmful factors are exceeded, and where the right to the daily and weekly rest is infringed upon. This results in reducing the time assigned for due regeneration of mental and physical strength, which can activate hazardous incidents.

With regard to work accidents, results of inspections of workplaces where **fork lift trucks with an engine** were used are also worth noticing. Labour inspectors had reservations to the organisation of transport routes, use of trucks and preparation of workers to operate them. Doubts still exist about the issue of qualification-based authorisation to operate fork lift trucks, because the issue is regulated by three different legal provisions. At the same time, the safety requirements for charging batteries have not been regulated, although electric trucks charged in that way are used more and more frequently. The legislative changes suggested by the National Labour Inspectorate would help eliminate unclear aspects, making it easier for employers to operate in line with legislation, and for labour inspectors to enforce proper working conditions.

Due to numerous hazards of accidents and diseases (in particular the risk of borreliosis), NLI continued the assessment of working conditions in **tree felling and skidding of wood**. In establishments covered by inspections, inspectors identified many cases of negligence related to applied techniques of sawing and felling trees. Mistakes, made mostly by wood-cutters with a short period of employment, are evidence of insufficient quality of training. That, in turn, manifests itself in reckless behaviour of workers and failure to use personal protective equipment. Pocket OSH instructions were not provided to all workers, although due to lack of regulations on safe felling of trees with the use of hand tools, issuance of instructions is a significant component of work safety. Moreover, a large number of employers did not refer workers for preventive medical examinations and medical protection against the effects of bites by ticks.

Like in previous years, NLI verified compliance with work safety and health provisions in **healthcare entities**. The most frequent irregularities concerned OSH training and occupational risk assessment, which should take account of all hazards in jobs in hospitals and outpatient clinics, for example caused by carcinogenic and mutagenic factors, chemical agents used to disinfect equipment and surfaces, biological agents and loads on the musculoskeletal system. Additionally, labour inspectors identified over 1.1 thousand cases when post-accident proceedings were not conducted after incidents related to injuries with sharp tools used during provision of healthcare services. Employers limited

their actions to noting down such incidents in the so-called registers of occupational exposure to blood or other potentially contagious material and implementing a post-exposure procedure.

As part of supervision of chemicals, labour inspectors assessed the level of safety **in the warehousing, producing and using chemical substances and their mixtures, paying special attention to securing anti-explosion safety**. Legal compliance in that area is diversified. It depends, to a large degree, on the technical culture in the enterprise, which comprises the knowledge and experience of persons performing work in places with explosion risk or of persons responsible for equipping such places with machines and devices. A decisively poorer safety condition was identified in smaller companies. The employers usually did not have sufficient knowledge on the prevention of explosions, so they used the services of external entities, and such services were not always of satisfactory quality.

The rightness of the adopted scheme of conduct was confirmed by the results achieved in another group of enterprises with a high or increased risk of the occurrence of a serious industrial accident, belonging to the **fuel sector**. The scheme consists in offering self-inspection tools to employers and then, after a sufficient interval, verification of actions undertaken by employers to identify and eliminate irregularities. Checking inspections, conducted by the National Labour Inspectorate with the participation of the National Fire Brigades and the Environmental Protection Inspectorate, proved real involvement of employers in adjusting working conditions to existing standards. The findings diverged from the actual facts in a few cases only, and the identified mistakes were eliminated without delay.

Similar rules were implemented in **nitric acid plants**. Also in them, preventive activities undertaken by employers, finished with self-assessment according to a specialised list, had a very positive influence on the results of subsequent visits by labour inspectors.

In 2014, NLI commenced inspections aimed at limiting new hazards related to **nanomaterials**. Due to still limited reconnaissance of the level of harmfulness of nanoparticles in the working environment and the lack of separate regulations, inspections in production facilities and laboratories at universities were conducted on the basis of provisions on the use of chemical agents. Many faults were related to identification of hazards connected with the performed work and safety data sheets of hazardous substances and mixtures. In consequence, workers were unaware of the possible negative influence of nanoparticles on their organisms and the necessity to use adequate safety

measures. Therefore, NLI's further inspection and communication activities in this respect have been planned.

Like in previous years, NLI verified whether in **newly established companies** workers have proper working conditions as regards the use of buildings and workrooms, organisation of workstations and preparation of workers for work. The prevailing group of inspected enterprises were micro-companies with up to 9 persons. In the opinion of labour inspectors, the most significant causes of infringements of OSH regulations and rules were: limited knowledge of persons who have been employers for a short time only, and focusing their attention on the fastest possible acquisition of profits from the commenced economic activity. The first inspections were mainly of communication and advisory nature, labour inspectors more often applied educational measures rather than penalty tickets for offences. That rule did not apply to persons responsible for immediate hazards to the health and safety of workers, and also to those who intentionally infringed upon the law.

The situation in the labour market and the conditions of functioning of enterprises depend on macroeconomic factors. The most important challenges faced by enterprises include keeping sales markets, ensuring quality of products and services, and work effectiveness in the context of growing competition and globalisation. Macroeconomic problems influence the situation of the employed persons and the conditions of performing work. At the same time, there is still limited awareness of hazards existing in the working environment and necessity to develop appropriate attitudes and behaviour in the working environment.

To achieve permanent improvement, both immediate involvement of employers in the process of work safety and health management, and activity of employees to conduct constant verification of risks in workstations are particularly important. Care about healthy and safe working conditions should be an important element of a modern enterprise.

In the light of the presented outcome of the National Labour Inspectorate's inspections of work safety and health, the following should be regarded advisable:

- continuing intensive inspection and supervisory activities in sectors and individual enterprises with particularly high levels of occupational hazards,
- conducting consistent verifying inspections, especially in such companies where the work safety status diverged blatantly from the legal requirements,
- using available measures in relation to inspected entities in an optimal way, adequately to the identified situation and its causes,



- encouraging employers to implement systems to ensure proper working conditions, and employees of small and medium-sized companies to become involved in occupational risk management.

The state of compliance with **legal protection of labour** has been significantly influenced for several years by a noticeable tendency to limit personal costs. It manifests itself mainly by taking actions that are **almost illegitimate** (for example, excessive use of civil-law contracts, managerial contracts, changes of work schedules), and taking avail of gaps and inconsistencies of binding legal provisions. It has a negative impact on the level of protection of employee rights. A continuing tendency is also a large number of **illegal actions**, taken by employers who are completely aware of their consequences and are convinced that prospective benefits to be achieved are larger than the potential risk of taking the consequences. Such illegal actions include hiding the real working time of workers (to avoid the necessity to pay remuneration for overtime work) or undocumented payment of benefits (which reduces income of the state budget).

The incoming **complaints** (41.7 thousand) and provided **advice** (1.2 million pieces) are always the first signal of irregularities in specific areas, which is very helpful in targeting NLI's inspection activity. Their topics, like it used to be, referred first and foremost to concluding and terminating employment relationships, payment of salaries and other employment-related benefits, and working time.

One of the most important problems is **entrusting work on the basis of civil-law contracts** in conditions where an employment contract should be concluded. Through such employment, entrepreneurs avoid duties resulting from the social insurance system and also the Labour Code. Concluding civil-law contracts is, among others, aimed at circumventing provisions on: working time (including the ban on working in retail shops on holidays), limits of overtime hours, and an average five-day working week. As may be concluded from findings of inspectors, many a time employers engage both employees and service-providers to perform the same types of work tasks in the same conditions. Moreover, employment on the basis of civil-law contracts is often treated as a trial period, that is time to check usefulness of a prospective employee.

Activities of NLI's inspectors allowed to achieve significant results already during the visits. Following orders of labour inspectors, employers often confirmed the employment relationship which replaced the previously concluded civil-law contracts, questioned by the inspectors.

The most glaring cases which cause the biggest public protest are still related to **non-payment or lowering of salaries for work** or other work-related benefits, or **delayed payment of salaries**.

No improvement was noted as regards compliance with **working time provisions**. Identified infringements most often consisted in failure to fulfil duties related to documenting working time. In consequence, such irregularities lead to depriving workers of benefits due to them; moreover, in practice they render it impossible to enforce employee rights in labour courts and for supervisory bodies to intervene effectively. Other problems, which have been most frequent for years, refer to non-compliance with a duty to ensure an average five-day working week in the adopted settlement period and non-payment for overtime work and work on free days.

Binding provisions on working time create fairly large possibilities to adjust systems and schedules of working time and settlement periods to individual needs of every employer, and sometimes also of employees. In spite of the existence of such solutions, especially the possibility to introduce a settlement period extended up to 12 months, or movable working time, NLI still identifies irregularities consisting in the employment of workers in excess of 5 days a week on average in the adopted settlement period, employment in breach of the provisions on 11-hour daily rest and 35-hour weekly rest and overtime work in excess of the permissible limit in a calendar year, as well as failure to grant employees every fourth Sunday free from work.

Analyses of inspectors indicate that some employers are not prepared for long-term, even framework planning of employees' working time. Moreover, in many cases settlement periods are extended inadequately to the current and real needs (which is proved by the way of planning work – on some occasions employers might have easily calculated the working time of their employees in shorter periods). This causes difficulties with calculating working time and remuneration, and also implies accumulation of payment of benefits until the end of the settlement period, which in turn results in delayed payment of benefits.

It is also symptomatic that inspected **employers hardly ever used the possibilities stipulated in article 140<sup>1</sup> of the Labour Code**, that is introduction of schedules which allow to apply time limits when the employee decides about the time of starting work, or different times of starting work on days being working days for the employee. Using such possibilities would allow to avoid irregularities connected with repeated starting of work in the same 24-hour period for the employee.

Considering the fact that introduction of provisions enabling more flexible use of working time should reduce the number of such irregularities, it seems that legislation did not meet the expectations. However, maybe this situation will change in a longer period of time.

As regards **legality of employment**, NLI's inspections show that **infringements occur in all examined areas**. The scale of irregularities is comparable to the one from previous years. There is still a high percentage of cases of employment without employment contracts and without reporting workers for social insurance, and a high number of reporting workers for social insurance in breach of binding deadlines.

The inspected entities are increasingly aware of their duties connected with entrusting work to natural persons, and in many cases the fact of breaching the law does not result from ignorance, but, unfortunately, from **premeditated actions**. The probability of an inspection, which might verify the employment of persons is relatively low (annually, NLI's inspections cover a few percent of all entrepreneurs), and even if an inspection is conducted, sanctions imposed for entrusting work illegally **do not stop entrepreneurs from committing abuses**.

**Binding legal provisions** are also conducive to existence of irregularities, because on the one hand, they enable employers to find cheaper solutions at the expense of workers (by entrusting work on the basis of civil-law contracts), and on the other hand, to effectively avoid liability for illegal employment.

In the opinion of the NLI, in recent years in Poland **no systemic solutions have been developed**, which could hinder the process of employment in the grey zone (which was emphasised in the reports on NLI's activity in the past years). No effective provisions have been introduced into the legal system which would, on the one hand, give a priority to employment relationships, and on the other hand, strengthen the position of inspectors. There was no enactment of legislation on, among others, written confirmation of the terms of an employment contract before allowing one to start work, or on releasing labour inspectors from the duty (resulting from the *Act on the freedom of economic activity*) to inform employers in advance about the intention to carry out an inspection, although the NLI sent drafts of legal acts for consideration in the law-making process.

First and foremost, it is necessary to change the idea of functioning of inspection authorities and create an **integrated system** for collaboration of services whose tasks is to counteract abuses committed by entrepreneurs to the detriment of the state and working individuals. Only **common actions** of labour inspectors and services for fiscal and social

insurance matters, as well as exchange of information will help reduce pathologies in the sphere of labour.

It is regarded necessary to **increase sanctions** for entrusting work in breach of the binding provisions. In the NLI's opinion, when imposing a fine, the inspector should take account of all prerequisites of illegal employment, including also a failure to register a worker with social insurance (in the current legal status, fulfilment of that duty is inspected by the NLI, which cannot penalise offenders, but can only inform the Social Insurance Institution of identified irregularities).

It is essential to **develop a conviction that entrusting illegal work is not profitable** due to the risk of sanctions applied on various levels (among others, a high fine, lack of possibility to obtain financial aid from public funds, duty to return financial support obtained from public funds, temporary ban on participation in tenders).

At the same time, **mechanisms promoting lawful employment should be developed**, both among entrepreneurs (e.g. preferential credits for creating new jobs, additional points in tender procedures for entrusting work based on employment contracts, grants), and among workers (among others through promotional campaigns, communication and educational activities).

The National Labour Inspectorate is consistent in conducting **preventive and promotional activities**, whose aim is to raise awareness of employers and employees so as to reduce accident hazards and increase respect for labour law. Such actions complement inspection and supervisory work, aimed at effective enforcement of labour law provisions, including work safety and health regulations. The objective of NLI's **preventive programmes** is to transfer indispensable knowledge to employers and persons responsible for work safety during training events and meetings with labour inspectors. The most important element of each preventive programme is to encourage employers to self-inspect both the observance of provisions and some procedures related to them, for example examining the circumstances and causes of work accidents. They receive educational materials and tools from the NLI which make it possible to conduct self-inspection of a concrete issue in the area of labour law. Trained employers, equipped with check-lists, identify irregularities and occupational risks existing in the workplace, assess their scale and specify the methods and deadlines for eliminating or reducing them. In the course of preventive programmes, the participants can take avail of specialist assistance of labour inspectors,

who offer consultancy. The correctness of activities conducted in enterprises is assessed by labour inspectors during verifying visits.

In 2014, the National Labour Inspectorate implemented 5 preventive programmes, targeted at **sectors** (construction, manufacturing), specific **types of occupational hazards** (work with machines), **prevention of work accidents**, **size of enterprise** (with up to 9 workers) and **risk of psychosocial factors**. The achieved effects prove that it is necessary to continue preventive programmes as a form of supporting inspection activity.

Only in 14% of enterprises which were the winners in the NLI's preventive programme "Obtain the NLI's Diploma" in years 2010-2012, during routine inspections, the NLI identified irregularities that required the application of legal measures and the imposition of fines. In the remaining enterprises, labour inspectors applied educational measures or issued decisions on minor offences (10% of those inspected). As a result of conducted preventive activities, permanent improvement of work safety and a high standard of legal compliance was achieved in three-fourth of the above-mentioned group of employers.

During implementation of those programmes, **the National Labour Inspectorate organised 447 training meetings for over 7.6 thousand persons** (among others, employees of OSH services, employees), **including 3.7 thousand employers**. 1 689 employers (45.4% of those trained) declared that they would actually participate in the programme, which took the form of self-inspection of issues discussed at training events. Check-up inspections and verification of the involvement of employers in implementing the programmes give grounds to conclude that **1 018 employers** (60% of those commencing the programme) **ensured the observance of labour law provisions and created safe and healthy working conditions to employees in their enterprises**.

**Educational activities and popularisation of compliance with labour law** are implemented through training and speeches, preparation of educational materials, consultancy, maintenance of websites with information on country-wide preventive programmes and campaigns, examples of good practice and interactive tools to implement the planned tasks. Communication and promotional campaigns conducted with the involvement of the mass-media (TV, radio and the Internet) are important when it comes to influencing the standards of work culture. The NLI's campaigns of the last year ("Work safety depends on you", "Before you take up a job", and "Respect life! Safe work on a farm") drew attention to occupational hazards in the working environment, promoted the rules of legal employment and disseminated knowledge of the legal requirements for beginning work.

NLI's preventive and promotional activity **supports, first and foremost, micro- and small companies**, which have the largest number of problems with maintaining standards of labour law and OSH. Such businesses are economically weaker, they often lack qualified staff to deal with work safety issues, and according to statistics, they register the largest number of work accidents.

It may be concluded from opinion polls, conducted by professional centres after completion of successive phases of all-Poland campaigns, and from opinions of participants of training events, that **in the area of preventive and promotional activity, the National Labour Inspectorate is expected, first of all, to disseminate knowledge of broadly understood labour law provisions**. The knowledge obtained at training events during preventive programmes is very important in the process of shaping proper attitudes of employers and employees.

Summing up the above conclusions, the National Labour Inspectorate has planned to:

- implement preventive programmes in enterprises where it is possible to achieve improvement in the observance of provisions and to reduce accident hazards in cooperation with a labour inspector,
- popularise the most important issues related to compliance with labour law through country-wide mass-media campaigns,
- continue popularisation of knowledge through free training events on concrete subjects for specific groups of recipients, implemented as part of preventive and promotional activities (preventive programmes, campaigns, needs reported by professional groups and social partners),
- conduct publishing activity to popularise the rights and duties of employers and employees in an accessible way and the issues of limiting occupational hazards,
- develop cooperation with governmental and local institutions, as well as social and institutional partners.

## **Attachments to the Report on the National Labour Inspectorate's activity in 2014**

### 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 2014.

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

### Annex 3a

Statistical data on the National Labour Inspectorate's activity in 2014 – 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 2014 – inspections and legal measures (*per the number of employees*)

### Annex 3c

Statistical data on the National Labour Inspectorate's activity in 2014 – inspections and legal measures (*per the forms of ownership*)

### Annex 4a

Statistical data on the National Labour Inspectorate's activity in 2014 – 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 2014 – 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 2014 – offences and crimes against the rights of persons performing paid work (*per the forms of ownership*)

### Annex 5

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

### Annex 6

Economic entities operating in Poland in 2014, according to the Polish Classification of Activity (PKD, equivalent of NACE)

## ACTS SPECIFYING POWERS OF THE NLI'S INSPECTORS

No.	Title of the act	Published in:
1	2	3
1	Act of 13 April 2007, on the National Labour Inspectorate	Journal of Laws of 2015, item 640
2	Act of 26 June 1974 - Labour Code	Journal of Laws of 2014, item 1502, 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	Dz. U. 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 2015, item 618
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 microorganisms and 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 2014, item 1619, 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 2014, item 1512, 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 2015, item 242



21	Act of 20 April 2004 on the promotion of employment and labour market institutions	Journal of Laws of 2015, item 149, 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 r. No. 127, item 721, with amendments
24	Act 23 May 1991 on settling collective disputes	Journal of Laws of 2015, item 295
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 item 769
26	Act of 24 June 1983 on social labour inspection	Journal of Laws of 2015, item 567
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 2015, item 584
30	Act of 30 August 2002 on the conformity assessment system	Journal of Laws of 2014, item 1645, 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 r. 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 of 2014, item 1389
37	Act of 4 March 1994 on funds for social benefits in companies	Journal of Laws of 2015, item 111
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 12.05.2015

**A. EMPLOYEES OF THE NATIONAL LABOUR INSPECTORATE IN 2014**

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>2 751</b>	<b>196</b>	<b>2 497</b>	<b>58</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	43		43	
other inspectors	1 572		1 572	
trainee inspectors	29		29	
specialised staff not conducting inspections	454	105	338	11
employees registering and analysing work of labour inspectors	194	27	160	7
accounting staff, including chief accountants	86	12	70	4
administrative staff	216	24	181	11
support staff	83	5	56	22

**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	160	5.82
31-40 years	696	25.3
41-50 years	862	31.33
51-60 years	726	26.39
over 60 years of age	307	11.16
<b>EDUCATION</b>		
ACADEMIC, including:	2 459	89.39
legal	633	23.01
administrative	258	9.38
technical	1 070	38.9
other faculties	498	18.1
COLLEGE	58	2.11
SECONDARY	184	6.69
VOCATIONAL	37	1.34
PRIMARY	13	0.47
<b>DURATION OF EMPLOYMENT IN NLI</b>		
shorter than 10 years	983	35.73
11-20 years	1 065	38.71
21-30 years	595	21.63
over 30 years	108	3.93

Source: NLI's data

**Statistical data on the National Labour Inspectorate's activity in 2014 – inspections and legal measures**  
(by sectors of the national economy, according to PKD - equivalent of NACE)

Specification		NUMBER of									
		inspections	decisions including:					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>	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>90 108</b>	<b>326 428</b>	<b>8 284</b>	<b>4 596</b>	<b>9 837</b>	<b>8 105</b>	<b>16</b>	<b>60 009</b>	<b>283 695</b>	<b>11 185</b>
1.	Agriculture and forestry	1 810	8 225	203	201	238	56	0	1 274	5 646	224
2.	Mining and quarrying	469	2 245	22	19	65	95	0	298	1 065	36
3.	Industrial processing	18 290	93 950	1 697	794	4 344	2 162	9	12 521	56 762	2371
4.	Power production <sup>a)</sup>	314	1 464	22	15	56	37	0	205	786	18
5.	Water supply <sup>b)</sup>	1 368	7 977	99	60	107	116	0	949	4 571	146
6.	Construction	17 699	72 871	5 447	2 859	3 736	1 404	0	8 968	34 680	1329
7.	Trade and repairs <sup>c)</sup>	24 050	81 489	392	360	692	1 202	2	17 423	86 011	3394
8.	Transport and warehouse management	4 328	8 676	80	53	112	784	2	3 229	17 726	651
9.	Hotels and restaurants <sup>d)</sup>	3 668	9 636	30	15	51	221	0	2 764	15 273	623
10.	Information and communication	842	1 646	10	10	12	175	0	546	2 552	87
11.	Finances and insurance <sup>e)</sup>	907	1 253	8	3	19	81	0	693	3 394	123
12.	Real estate management	974	2 557	54	32	51	69	1	658	3 078	109
13.	Professional activity <sup>f)</sup>	2 319	5 460	76	42	69	369	1	1 496	7 331	313
14.	Administration services <sup>g)</sup>	3 682	5 080	58	73	73	343	1	2 342	9 593	435
15.	Public administration <sup>h)</sup>	1 078	1 901	9	10	8	13	0	653	2 999	116
16.	Education	2 807	6 486	9	14	47	563	0	2 011	9 678	360
17.	Health care and social work	2 154	6 230	12	11	30	213	0	1 551	8 920	387
18.	Culture, entertainment and recreation	1 069	3 800	34	15	82	62	0	767	4 309	129
19.	Other service activities	2 262	5 470	18	9	44	140	0	1 652	9 295	334
20.	Households <sup>i)</sup>	3	3	0	0	0	0	0	4	8	0
21.	Exterritorial organisations <sup>j)</sup>	1	0	0	0	0	0	0	1	13	0
22.	Unspecified activity	14	9	4	1	1	0	0	4	5	0

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 2014 – 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:							
1	2	3	4	5	6	7	8	9	10	11	12
	<b>TOTAL, including enterprises with:</b>	90 108	326 428	8 284	4 596	9 837	8 105	16	60 009	283 695	11 185
1.	1 - 9 workers	51 343	179 405	5 415	3 137	5 275	3 102	8	33 118	155 017	5985
2.	10 - 49 workers	24 272	96 662	1 917	1 035	2 821	3 253	4	16 892	84 880	3564
3.	50 - 249 workers	9 894	36 779	706	324	1 321	1 521	2	6 902	31 322	1203
4.	250 and more workers	4 599	13 582	246	100	420	229	2	3 097	12 476	433

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 2014 – 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>90 108</b>	<b>326 428</b>	<b>8 284</b>	<b>4 596</b>	<b>9 837</b>	<b>8 105</b>	<b>16</b>	<b>60 009</b>	<b>283 695</b>	<b>11 185</b>	
1.	<b>Total public sector<sup>a)</sup>, by forms of ownership:</b>	<b>7 070</b>	<b>22 781</b>	<b>157</b>	<b>94</b>	<b>337</b>	<b>291</b>	<b>2</b>	<b>4 838</b>	<b>22 970</b>	<b>796</b>	
	1. state	1 646	4 878	54	26	116	101	2	921	3 600	128	
	2. self-government	5 184	17 130	92	64	202	174	0	3 755	18 728	648	
	3. mixed	240	773	11	4	19	16	0	162	642	20	
2.	<b>Total private sector<sup>b)</sup>, by forms of ownership:</b>	<b>82 998</b>	<b>303 578</b>	<b>8 121</b>	<b>4 495</b>	<b>9 497</b>	<b>7 814</b>	<b>14</b>	<b>55 156</b>	<b>260 683</b>	<b>10 387</b>	
	1. national private	74 551	274 186	7 542	4 206	8 618	6 900	14	49 755	237 173	9596	
	2. foreign private	4 533	14 612	262	124	335	274	0	2 912	12 736	428	
	3. mixed private	3 914	14 780	317	165	544	640	0	2 489	10 774	363	
3.	<b>Mixed balanced sector<sup>c)</sup></b>	<b>10</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>11</b>	<b>0</b>	
4.	<b>Unspecified ownership</b>	<b>30</b>	<b>61</b>	<b>6</b>	<b>7</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>11</b>	<b>31</b>	<b>2</b>	

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

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

c) **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".

**Statistical data on the National Labour Inspectorate's activity in 2014 – 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>91 795</b>	<b>51 928</b>	<b>10 702</b>	<b>29 165</b>	<b>19 514</b>	<b>3 340</b>	<b>16 852</b>	<b>626</b>
1.	Agriculture and forestry	1 963	1 307	235	421	441	90	249	10
2.	Mining and quarrying	445	281	64	100	130	23	61	6
3.	Industrial processing	18 684	11 140	2 256	5 288	4 070	660	2 973	98
4.	Power production <sup>a)</sup>	230	122	60	48	66	19	40	3
5.	Water supply <sup>b)</sup>	1 206	737	99	370	266	37	220	11
6.	Construction	23 550	16 071	1 976	5 503	6 444	688	3 319	137
7.	Trade and repairs <sup>c)</sup>	22 090	10 838	2 292	8 960	3 830	712	4 985	135
8.	Transport and warehouse management	5 315	3 334	779	1 202	1 230	223	720	55
9.	Hotels and restaurants <sup>d)</sup>	4 346	1 981	758	1 607	683	219	930	37
10.	Information and communication	753	378	123	252	159	34	166	13
11.	Finances and insurance <sup>e)</sup>	760	366	88	306	139	29	194	8
12.	Real estate management	882	462	79	341	176	29	178	5
13.	Professional activity <sup>f)</sup>	2 230	1 043	494	693	408	126	404	21
14.	Administration services <sup>g)</sup>	2 719	1 290	583	846	527	212	583	42
15.	Public administration <sup>h)</sup>	427	148	28	251	75	9	152	2
16.	Education	1 557	564	167	826	224	50	500	15
17.	Health care and social work	1 672	717	245	710	242	85	417	13
18.	Culture, entertainment and recreation	879	373	74	432	132	28	223	3
19.	Other service activities	2 070	765	301	1 004	268	66	533	10
20.	Households <sup>i)</sup>	0	0	0	0	0	0	0	0
21.	Exterritorial organisations <sup>j)</sup>	4	4	0	0	1	0	0	0
22.	Unspecified activity	13	7	1	5	3	1	5	2

<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 2014 – 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>	91 795	51 928	10 702	29 165	19 514	3 340	16 852	626
1.	1 - 9 workers	56 459	30 880	6 941	18 638	11 407	2 205	10 558	427
2.	10 - 49 workers	23 489	14 046	2 505	6 938	5 165	773	4 059	118
3.	50 - 249 workers	8 291	4 876	992	2 423	1 987	265	1 484	55
4.	250 and more workers	3 556	2 126	264	1 166	955	97	751	26

Source: NLI's data



**Statistical data on the National Labour Inspectorate's activity in 2014 – 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>91 795</b>	<b>51 928</b>	<b>10 702</b>	<b>29 165</b>	<b>19 514</b>	<b>3 340</b>	<b>16 852</b>	<b>626</b>
1.	<b>Public sector<sup>a)</sup> total, including:</b>	<b>3 888</b>	<b>1 603</b>	<b>264</b>	<b>2 021</b>	<b>614</b>	<b>100</b>	<b>1 154</b>	<b>21</b>
	1. state	819	421	75	323	170	30	193	5
	2. self-government	2 904	1 082	182	1 640	404	67	928	16
	3. mixed	165	100	7	58	40	3	33	0
2.	<b>Private sector<sup>b)</sup> total, including:</b>	<b>87 866</b>	<b>50 302</b>	<b>10 437</b>	<b>27 127</b>	<b>18 889</b>	<b>3 239</b>	<b>15 683</b>	<b>604</b>
	1. national private	79 998	45 695	9 378	24 925	17 027	2 922	14 346	532
	2. foreign private	3 917	2 353	409	1 155	964	147	709	37
	3. mixed private	3 951	2 254	650	1 047	898	170	628	35
3.	<b>Mixed balanced sector<sup>c)</sup></b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>0</b>
4.	<b>Unspecified ownership</b>	<b>34</b>	<b>23</b>	<b>1</b>	<b>10</b>	<b>11</b>	<b>1</b>	<b>8</b>	<b>1</b>

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

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

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

**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>	2012	<b>91000</b>	<b>350</b>	<b>627</b>	<b>90023</b>
	2013	<b>88267</b>	<b>277</b>	<b>538</b>	<b>87452</b>
	2014	<b>88642</b>	<b>262</b>	<b>520</b>	<b>87860</b>
Agriculture, forestry, hunting and fishing	2012	1417	21	15	1381
	2013	1283	12	14	1257
	2014	1284	11	13	1260
Mining and quarrying	2012	2687	27	12	2648
	2013	2393	18	14	2361
	2014	2298	25	28	2245
Industrial processing	2012	30243	60	240	29943
	2013	28095	52	228	27815
	2014	28620	55	244	28321
Power, gas, steam, hot water production and supply, air supply for air- conditioning systems	2012	1011	8	11	992
	2013	865	3	6	856
	2014	691	5	7	679
Water supply; waste management and remediation	2012	2132	12	14	2106
	2013	2174	2	18	2154
	2014	2111	10	12	2089
Construction	2012	8145	82	135	7928
	2013	6712	71	83	6558
	2014	6265	55	74	6136
Wholesale and retail sale, vehicle maintenance, inclusive of motorcycles	2012	11423	27	55	11341
	2013	11368	26	59	11283
	2014	11970	27	35	11908
Transport and storage	2012	6402	61	45	6296
	2013	6125	38	36	6051
	2014	6228	42	33	6153
Accommodation and gastronomy activities	2012	1389	2	2	1385
	2013	1256	-	2	1254
	2014	1252	1	1	1250
Information and communication	2012	549	4	5	540
	2013	570	3	2	565
	2014	539	-	2	537
Financial and insurance activities	2012	1010	1	3	1006
	2013	1543	4	4	1535
	2014	1088	-	3	1085
Real estate activities	2012	1112	4	9	1099
	2013	1009	1	7	1001
	2014	923	1	5	917

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	2012	1267	8	5	1254
	2013	1103	5	3	1095
	2014	1131	5	9	1117
Administrative and support activities	2012	3993	13	17	3963
	2013	4048	10	26	4012
	2014	4106	13	13	4080
Public administration and national defence, obligatory social insurance	2012	4412	5	20	4387
	2013	4580	14	14	4552
	2014	4193	4	12	4177
Education	2012	4724	6	15	4703
	2013	4832	6	9	4817
	2014	4659	4	10	4645
Health care and social assistance	2012	7699	7	13	7679
	2013	8982	7	5	8970
	2014	10003	3	12	9988
Culture, recreation and entertainment	2012	911	1	8	902
	2013	821	2	6	813
	2014	890	-	3	887
Other services	2012	474	1	3	470
	2013	508	3	2	503
	2014	391	1	4	386

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

Source: data of the Central Statistical Office (GUS), 2012-2013 – final data,  
2014 – non-final data

**Economic entities operating in Poland in 2014,**  
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>670 660</b>	<b>946 194</b>
Agriculture, forestry and hunting	11 421	10 092
Mining and quarrying	1 286	665
Manufacturing	86 170	86 646
Production of electricity	1 190	870
Water supply	4 783	2 599
Construction	77 820	131 565
Trade, repairs	195 044	226 027
Transport and warehousing management	44 073	69 769
Hotels and restaurants	25 016	19 712
Information and communication	13 215	42 799
Finance and insurance	12 156	30 797
Real estate management	13 513	19 072
Professional activity	52 279	121 818
Administration services	17 311	32 095
Public administration	7 093	303
Education	32 776	21 262
Health care and social work	29 855	70 027
Culture, entertainment and recreation	9 900	10 666
Other service activities	35 639	49 403
Households	1	1
Exterritorial organisations	119	6

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 2014).