

## Report on the National Labour Inspectorate's activity in 2016

### (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 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 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.

**District labour inspectors** manage the activities of their respective district labour inspectorates and they supervise 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 performance of activity,
- inspecting **legality of employment**, other paid work and performance of work by **foreigners**,
- inspecting **registers of employees performing work in special conditions** or work of special nature, as set out in art. 41(4) point 2 of the *Act of 19 December 2008 on bridging pensions*;
- inspecting **products** designed for use by employers in terms of **their compliance with requirements** or inspecting **creation of hazards by products** in the meaning of the *Act of 13 April 2016 on the conformity assessment systems and market surveillance*;

- 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 health, specified in separate provisions;
- taking actions to **prevent and limit hazards** in the working environment, in particular:
  - examining circumstances and causes of **work accidents**, analysing occupational diseases and inspecting the application of measures to prevent accidents and occupational diseases,
  - **initiating research work** focused on the observance of labour law, in particular of 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 prevention of environmental hazards;
- inspecting observance of work safety and health requirements specified in the *Act of 22 June 2001 on genetically modified microorganisms and 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;
- issuing **permits for performance of work** or other paid activities **by a child** below 16 years of age;
- **cooperating with EU Member States' authorities** responsible for supervision of terms and conditions of employment of workers;
- performing tasks set out in the *Act of 10 June 2016 on the posting of workers in the framework of the provision of services* and providing advice in order to support equal treatment of citizens (and members of their families) of Member States of the European Union and the European Free Trade Association (EFTA) – parties to the agreement on the European Economic Area, who benefit from the freedom of movement 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;
- inspecting payment of remuneration in the amount resulting **from the minimum hourly rate**, in accordance with the provisions of the *Act of 10 October 2002 on the minimum remuneration for work*;
- inspecting fulfilment of duties set out in art. 23r (3) and (4) of the *Act of 10 April 1997 – Energy Law*, with regard to liquid fuels, in the framework of inspecting compliance with labour law.

In line with the *Act of 13 April 2007 on the National Labour Inspectorate*, the labour inspectorate's supervision and inspection in the area of occupational safety and health 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.

The NLI's inspections also cover:

- entities offering job placement services, personnel consultancy, vocational advice and temporary work in the meaning of art. 18(1) of the *Act of 20 April 2004 on the promotion of employment and labour market institutions* – as regards observance of the duty specified in art. 10(1) point 3d and 3e of the *Act on the National Labour Inspectorate*;
- Voluntary Labour Corps, social integration centres and clubs, specialised bodies in the army as set out in the provisions on military service of professional soldiers, as well as foreign entrepreneurs who may benefit from the freedom to provide services, if they are authorised and conduct lawful activity related to employment services, personnel consultancy, vocational advice or temporary work in the territory of the European Union Member States, European Economic Area states not belonging to the European Union and states which are not parties to the agreement on the European Economic Area – as regards compliance with the terms set out in art. 19c, art. 19d, art. 19ga and art. 85(2) of the *Act of 20 April 2004 on the promotion of employment and labour market institutions*;
- employers posting workers to the territory of Poland in the scope set forth in the *Act of 10 June 2016 on the posting of workers in the framework of the provision of services*;
- entrepreneurs or other organisational units, if in the framework of their activity, mandated tasks are performed or services are provided for their benefit by a contractor or a service provider – as regards payment of remuneration to such persons in the amount resulting from the minimum hourly rate, in line with the provisions of the *Act of 10 October 2002 on the minimum remuneration for work*.

In order to implement the NLI's tasks, inspectors are authorised to conduct inspection activities towards entities for whose benefit work is performed by natural persons irrespective of the basis of performing work, and to apply legal measures upon identification of offences of labour law or provisions on legality of employment. The measures include:

- **order to eliminate identified infringements** of regulations and rules of work safety and health **by a specified deadline**;
- **order to stop work or activity** if the infringement presents a direct risk to life or health of employees or other persons performing the work or conducting the activity; **order to send to other work tasks** workers or other persons allowed, contrary to the binding provisions, to perform forbidden, harmful or hazardous tasks, or workers or other

persons allowed to perform dangerous tasks, if those workers or persons do not have adequate qualifications (orders in such matters are immediately enforceable);

- **order to stop operation of machines and equipment** in situations when such operation presents a direct risk to life or health of persons (orders in such matters are immediately enforceable);
- **ban the performance of work** or conduct of activity in places where the working conditions create a direct risk to life or health of persons (orders in such matters are immediately enforceable);
- **order to stop the activity** or a specific type of activity upon identification that the work safety and health standards endanger life or health of workers or natural persons performing work on basis other than an employment relationship, including persons pursuing economic activity on their own account;
- **order to make examinations and measurements of harmful and arduous factors** in the working environment in cases of infringements of the procedure, methods, type or frequency of making such examinations and measurements or the necessity to determine the performance of work in special conditions;
- **order to determine the circumstances and causes of an accident** by a specified deadline;
- **order the employer to pay due remuneration** for work and other benefits due to an employee (orders in such matters are immediately enforceable);
- **address an improvement notice or issue an instruction** upon identification of other infringements than the above-mentioned to the effect that they be eliminated and the guilty persons be held liable;
- **order to include a worker in the list** of workers performing work of special nature or in special conditions; to remove the worker's name from such a list or to correct the relevant entry;
- impose fines in the form of **penalty tickets** and **lodge requests for punishment with courts**;
- impose **pecuniary penalties** on entities which perform **road transport** or other activities related to such transport and infringe upon duties or conditions of road transport;
- impose **pecuniary penalties** on entities mentioned in the *Act of 13 April 2016 on conformity assessment systems and market surveillance*, for violating legal provisions on **placing products on the market** or **commissioning products for use**.

Additionally, the Chief Labour Inspector is authorised **to grant and withdraw the powers of an expert** in occupational safety and health.

During implementation of tasks, the National Labour Inspectorate **cooperates** with trade unions, employers' organizations, self-government bodies of workforce in companies, workers' councils, social labour inspection, public employment services in the meaning of provisions on the promotion of employment and labour market institutions, Government's Plenipotentiary for Equal Treatment, public administration authorities, and especially with

regulatory authorities responsible for working conditions, the Police, Border Guard, Customs Service, fiscal offices, the Social Insurance Institution and local authorities.

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In 2016, **four amendments** to the *Act of 13 April 2007 on the National Labour Inspectorate* came into force. By virtue of the *Act of 13 April 2016 on conformity assessment systems and market surveillance*, the National Labour Inspectorate has been assigned new tasks related to: inspecting whether products designed for use by employers meet the requirements, inspecting hazards which may be created by products in the meaning of the *Act on conformity assessment systems and market surveillance*, with the exception of products subject to inspection by other competent market surveillance authorities, in line with the above-mentioned Act. The labour inspectorate may also conduct procedures concerning products placed on the market or commissioned for use, as set forth in the aforesaid Act.

On 4 June 2016, the *Act of 29 April 2016 on the amendment of the Act on the promotion of employment and labour market institutions, of the Act on the National Labour Inspectorate, and of the Act on implementing some European Union provisions on equality of treatment* came into force. It imposes a duty on the NLI to provide advice in order to support equal treatment of citizens of the European Union Member States and the European Free Trade Association (EFTA) Member States – parties to the agreement on the European Economic Area, who benefit from the freedom of movement of workers and their family members. The consultancy covers a range of topics, among others, the issue of access to employment, terms and conditions of employment, especially with regard to remuneration, contract termination, work safety and health, and in cases of job loss, return to work or re-employment, as well as access to social and tax privileges.

Other amendments were made by the *Act of 10 June 2016 on posting of workers in the framework of the provision of services*, which came into force on 18 June 2016. In accordance with that Act, the National Labour Inspectorate plays the role of an authority responsible in the territory of Poland for informing about provisions on posting of workers and cooperating with competent authorities or entities from other Member States as regards monitoring of compliance with such provisions. The Act imposes a number of new duties on the NLI, such as providing information on the terms of employment applicable to workers posted to the territory of Poland, or receiving statements with information indispensable to carry out inspections of the actual situation in the workplace.

The last amendment was made by the *Act of 22 July 2016 on the amendment of the Act – Energy Law and of some other acts*, which came into force on 2 September 2016. While inspecting observance of labour law provisions, the National Labour Inspectorate inspects fulfilment of the duty to have licences as set out in art. 32(1) points 1 - 4 of the *Act of 10 April 1997 – Energy Law*, in the scope which refers to liquid fuels, entry in the register

mentioned in that Act and submitting information to the President of Energy Regulatory Office about the types and locations of liquid fuel infrastructures used to conduct the activity mentioned in art. 43e of the aforesaid Act. Moreover, during inspection activity, the National Labour Inspectorate may verify compliance with the requirement to conduct sale of liquid fuels and offer storage services or re-loading of liquid fuels, transmission or distribution of liquid fuels in line with the provisions of art. 43a of the *Act – Energy Law*.

Moreover, two acts amending the *Act of 13 April 2007 on the National Labour Inspectorate* were published in 2016, but they came into force in 2017. The first amendment was made by the *Act of 22 July 2016 on the amendment of the Act on the minimum remuneration for work and of some other acts*. In accordance with that Act, since 1 January 2017, the NLI's inspectors have had the duty to inspect payment of remuneration in the amount resulting from the minimum hourly rate. The second, published in 2016, was the *Act of 16 November 2016 – provisions introducing the Act on the National Fiscal Administration*. The Act came into force on 1 March 2017 and it includes ordering provisions aimed at adapting regulations on the NLI to regulations on the National Fiscal Administration.

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In 2016, labour inspectors conducted **82,500 inspections of 67,700 employers and other economic operators**.

In connection with infringements of occupational safety and health provisions, identified during inspections, inspectors issued **310.8 thousand decisions**. The largest number of them referred to workstations and work processes, technological processes, warehousing and storage – 19.4%; preparation for work (among others: OSH training, medical examinations, qualification competence) – 16%, as well as buildings and workrooms, hygienic and sanitary rooms, ventilation, heating and lighting – 15.2 %.

Apart from decisions on work safety, labour inspectors issued over **6.1 thousand decisions ordering payment of remuneration** or other benefits resulting from an employment relationship. Those decisions related to amounts **in the sum total of 106.8 million PLN**, which were **due to 61.6 thousand workers**.

Moreover, inspectors issued about **57.1 thousand improvement notices** to inspected entities. The notices included the total number of **279.2 thousand instructions** to eliminate the identified irregularities. Inspectors also gave **12.9 thousand oral instructions** concerning irregularities which could be eliminated during the inspection or immediately after its completion. The instructions mainly concerned concluding and terminating employment contracts, salaries for work and other benefits resulting from an employment relationship, legality of employment (issues covered by the *Act on the promotion of employment and labour market institutions*) and working time.

During inspections, NLI's inspectors revealed in total **80 thousand offences** against the rights of persons performing paid work. Therefore, they imposed **15.9 thousand fines in the form of penalty tickets** on the offenders, sent **3070 penalty requests to courts** and applied **14 928 disciplinary measures**.

In 2016, labour inspectors sent **561 notifications to the prosecutor's office** about the suspicion of the committed crime. As a result of submitted notifications, 173 proceedings were commenced; in 51 cases the prosecutor's office refused to initiate proceedings; 148 proceedings were discontinued; 74 indictments were lodged with courts of law (as of 28.02.2017).

NLI's inspectors examined **89.6 thousand problems mentioned in 44.2 thousand complaints lodged with the NLI** (56% of complaints were justified or partly justified).

Moreover, NLI's specialists provided **994.5 thousand pieces of advice on legal and technical aspects free of charge**, including 594.3 thousand in seats of District Labour Inspectorates and 400.2 thousand during inspection visits.

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The National Labour Inspectorate (Chief Labour Inspectorate) is one of the Polish **liaison offices**, that is an authority obliged to communicate directly with its counterparts in countries of the European Union, the European Economic Area (EEA) and the Swiss Confederation. The National Labour Inspectorate is also the competent authority in the meaning of provisions of the *Act of 10 June 2016 on posting of workers in the framework of the provision of services*, that is an authority responsible in the territory of the Republic of Poland for providing information about regulations on posting of workers and for cooperating with its counterparts from other Member States in the area of monitoring observance of those regulations. The NLI cooperates with competent foreign institutions and authorities in EU/EEA Member States and exchanges information in that regard.

Exchange of information between the National Labour Inspectorate and the competent authorities from other states of the EU/EEA covered **276 cases** in 2016 (192 cases in 2015). The inspectorate cooperated with 18 countries in total, including 17 European Union Member States and Norway. The exchange of information with Belgium and France was most intensive.

As already mentioned, the *Act on the posting of workers in the framework of the provision of services*, implementing into the Polish legal system, among others, *Directive 2014/67/EU of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services* came into force on 18 June 2016. The aforesaid Act imposes numerous tasks on the National Labour Inspectorate, including, in particular, the following ones:

- receiving statements from foreign entrepreneurs about posting of workers to Poland;
- developing and maintaining a website with information about the rules and terms of posting workers to the territory of Poland;
- inspecting the correctness of posting of workers to the territory of Poland in terms of compliance with the following requirements:
  - that the employer posting a worker to the territory of Poland conducts actual economic activity of a significant extent in the sending country,
  - that a worker posted to Poland performs work in the Polish territory temporarily;
- inspecting whether the terms of employment ensured to workers posted to the territory of Poland are not less favourable than those resulting from the Labour Code and other provisions on worker's rights – to the extent laid out in the Act.

The solutions adopted in the Act enable the labour inspectorate to conduct **inspections of foreign employers** (also those from outside EU/EEA and Switzerland), who post workers to perform temporary work in Poland. From 1 July to 31 December 2016, labour inspectors carried out 67 inspections in this area, including:

- 38 inspections of employers posting workers from EU/EEA states and Switzerland,
- 29 inspections of employers posting workers from the so-called third countries.

The conducted inspections covered **over 1.3 thousand workers posted** to perform work in the territory of Poland.

The criteria for selecting entities for inspection include, among others, statements on posting of workers submitted to the NLI by posting employers. By 31 December 2016, the NLI received **1 thousand statements on posting of over 4.1 thousand workers**, who were sent to work in the territory of Poland by 650 foreign entities from 54 countries.

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In February 2016, the Chief Labour Inspector took a decision introducing a **new approach** to inspecting enterprises which had never before been inspected by the NLI. In accordance with the new rules, **the first inspection of an enterprise consists mainly in giving instruction and advice**. A labour inspector comprehensively verifies the level of compliance with provisions on legal protection of labour, work safety and health, and legality of employment, which is followed by issuing decisions, instructions in improvement notices, oral decisions and provision of advice.

Instruction and advisory nature of the first inspection means that **a specified period of time is left for the employer to eliminate irregularities and that sanctions are not applied**. The **exception** refers to cases of glaring infringements of OSH regulations and rules, in particular situations of a direct risk to life and health of workers, inspections



following serious, fatal and collective accidents, as well as cases of illegal employment and glaring infringements of provisions on legal protection of labour.

The first inspection strategy covered micro-companies (1-9 workers), other small companies (10-49 workers) and medium-sized companies (50-249 workers).

From 1 March to 31 December, NLI's inspectors conducted over 10 thousand first inspections: most of them in retail companies (28%), production enterprises (16%) and construction companies (14%).

The dominant group among those inspected were micro-companies (73%).

**Almost all (98%)** of the overall number of 10 thousand first inspections **ended with identification of irregularities** and application of adequate legal measures in the form of decisions, instructions in improvement notices and orders.

It has to be emphasised that **only one tenth of the first inspections ended with applying penal sanctions** – due to particularly blatant law infringements. NLI's inspectors decided that in relation to 14% of employers the application of disciplinary measures (admonition, warning, rebuke) was sufficient.

Employers covered with the first inspection strategy **informed the NLI about implementation of almost 80% of decisions and 75% of instructions included in improvement notices** (oral instructions were implemented already during inspections). It can be concluded that legal measures applied by labour inspectors and advice provided by them play their role in creating proper working conditions in the inspected enterprises.

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Labour inspectors examined over 2.2 thousand **work accidents** which occurred in 2016 and resulted in 254 fatalities and serious injuries to 792 victims. The number of employers' notifications to the NLI on accidents with the above-mentioned results has been systematically decreasing, while there has been an increase in notifications from the Police (almost 53% of the overall number of notifications in 2016).

The group of victims of accidents investigated by the NLI, including fatalities, did not change in terms of their employment status, as compared to previous years. The largest percentage of persons performing work based on civil-law contracts, who were victims of fatal accidents (investigated by the NLI), was registered in construction. One may suspect that **a significant number of such type of incidents are not reported to the NLI**, because that duty does not apply to entrepreneurs and other entities not being employers for whose benefit work is performed by natural persons, irrespective of the basis of performing such work.

Like in previous years, **victims of work accidents that were investigated, were engaged most frequently in industrial, construction, commercial and transport companies.** The largest number of fatal accident victims were persons employed in construction, industry, transport and storage, agriculture and forestry, mining and commerce.

As regards fatal accidents in road traffic, which were classified by the company post-accident teams as work accidents and investigated by the NLI, the victims who suffered fatal injuries were the persons engaged as drivers of lorries and trucks (mainly in transport, commerce, administrative services and support activity). Such accidents occurred most frequently as a result of collision with an immobile object standing in the roadside or a road collision with another vehicle. Such accidents were investigated by labour inspectors in situations where there were infringements of OSH provisions and the rights of the injured persons.

Labour inspectors still pay much attention to such accidents where the victims are persons with short job tenure in the specific enterprise; this refers both to young and to older workers. Despite the frequently noticed diverse attitudes to hazards, such as youthful bravado or routine behaviour of older persons, **the most frequently made human mistakes result from improper preparation for work** (lack of OSH training or training based on the curriculum which does not take account of hazards actually existing in a specific workstation or job, conducting medical examinations to allow a person to perform work on the basis of referrals in which the essential factors of the working environment are omitted, or unreliably conducted occupational risk assessments, which only meet formal requirements of labour law).

There is an increase in the number of accidents, including fatal ones, related to work of persons who are not subject to obligatory accident insurance. The total number of **26 persons died in such accidents, all of which were reported by the Police or families of the victims.** The largest number of such accidents occurred in construction (31 cases with 10 fatalities) and in industrial processing (20 cases with 9 fatalities). Besides examining the circumstances and causes of accidents in order to prevent their recurrence, labour inspectors checked whether the victims performed work in conditions typical of an employment relationship, which would allow to classify the incident as a work accident and to give the victim's family the right to obtain post-accident benefits.

A new and disturbing phenomenon is also a quickly increasing **number**, as compared to the previous year, of **fatal, serious and collective work accidents among Ukrainian citizens.** Accidents reported to the NLI took place in many types of activity, including construction, agriculture and processing of farming produce, transport and storage. Many of the victims were employed in temporary work agencies to perform work based on mandate contracts.

In the opinion of labour inspectors, in the majority of the investigated work accidents, **organisational causes** (such as insufficient preparation for safe performance of work, wrong orders of superiors and lack of supervision of workers) **were the root causes** for the remaining ones, in particular the mistakes made and inappropriate behaviour of the injured persons, who did not have sufficient knowledge of hazards and of the practical methods to protect themselves from the risk.

The conclusion included in the *Report on the NLI's activity in 2015* concerning the **necessity to introduce a duty to notify the NLI of all fatal, serious and collective accidents at work, irrespective of the basis for its performance**, is still valid. This would enable the National Labour Inspectorate to act more effectively, both to limit accident hazards, and to ensure indispensable legal protection to the injured persons and their families.

To fulfil the NLI's tasks related to **market surveillance**, the inspectorate **checked 1380 products** placed on the market or commissioned for use. Labour inspectors **had reservations about 59% of them**, including 632 machines, 154 items of personal protective equipment and 149 items of low-voltage electrical equipment.

Irregularities related to 387 machines and technical equipment, as well as 108 items of personal protective equipment were eliminated during voluntary corrective activities.

In cases of serious non-compliance of products with the essential requirements, District Labour Inspectors initiated administrative proceedings (69). They also notified the prosecutor's office of the suspicion that crimes may have been committed by entities responsible for products (7 cases).

If the identified irregularities could only be eliminated by an entity with the seat in the territory of another EU/ EEA Member State, information about the inspection results was sent to the competent market surveillance authority in that country (in the case of 22 products).

**The NLI's cooperation with customs authorities** is important. District Labour Inspectorates received 255 requests for issuing opinions as to whether products imported from third countries (from outside EU/EEA) met the requirements, because they were likely to cause hazard to users. Labour inspectors, after inspecting the products, issued 153 negative opinions. Therefore, it was not permitted to place those products on the market or it was permitted only after elimination of the identified irregularities.

Efficient and effective market surveillance **enables elimination of defective products**, which may cause hazards to their operators if they are used in workstations. Therefore, the National Labour Inspectorate identifies types of activity with a heightened risk of work accidents and occupational diseases, resulting from non-compliance with the requirements

for specific types of machines and personal protective equipment, so as to cover them with inspection activity within the framework of market surveillance.

In 2016, NLI's labour inspectors inspected almost 1.4 thousand entities engaging disabled persons. The inspections covered employers running **protected labour companies and professional activity companies** as well as employers **engaging disabled persons in the open labour market**. NLI also inspected employers applying to receive the status of a protected labour company or professional activity company, or enterprises organising workstations for disabled persons in protected labour companies or in the open labour market (applying to receive co-financing from resources of the State Fund for Rehabilitation of the Disabled).

Almost all submitted requests for opinion on workstations organised for disabled persons, both in the open and in the protected labour market, were related to the possibility to use the financial resources of the State Fund for Rehabilitation of the Disabled for equipping such workstations. However, labour inspectors noticed and concluded that **employers more often used the obtained resources for purchase of the general equipment to their companies rather than for adaptation of workstations to the needs of disabled persons**, requiring special devices or elimination of architectural barriers.

Inspections revealed that some employers **"forced" disabled workers to request preventive medicine physicians to give them consent** for overtime work and night-time work or even to ignore the special provisions on working time. Employees are afraid of losing a job or the possibility of employment and so they sign such requests drawn up by employers who attach the requests to referrals for preventive medical examinations. In the labour inspectors' opinion, that practice is unacceptable in protected labour companies. Co-financing of disabled persons' salary is intended as compensation to the employer for the person's lower productivity, but in practice **it only serves to artificially lower the service costs** for ordering entities.

Another aspect that should be emphasised refers to fulfilment of the work safety and health requirements in protected labour companies offering services related to protecting property or keeping order. The duties resulting from receiving the status of a protected labour company refer to ensuring safe and healthy working conditions only in buildings and rooms used by the employers. Yet, most workers **perform work on the premises of buildings used by entities ordering services**. Working conditions on those premises and the level of their adaptation to the needs of disabled persons working there are the subject of complaints of such persons. It has to be emphasised that preventive medicine physicians do not have knowledge on that subject and, therefore, they do not mention any limitations and do not specify any contraindications for employing disabled persons sent for medical examinations.

Effective elimination of accident hazards in **construction** requires that safety provisions are consistently observed in each phase of the construction process. It consists in systematic planning of work safety, coordinating activities of many entities on the construction site and supervising places of work directly. Due to different reasons, a significant number of construction contractors do not ensure even the basic conditions for safe performance of work.

In 2016, labour inspectors carried out comprehensive inspections of over 3.2 thousand construction sites, on which about 5 thousand construction companies conducted works. Despite the issued decisions, including those on immediate stoppage of work, and despite the imposed fines, in some cases the achieved results in the area of OSH turned out to be transitory, which was confirmed by subsequent inspections. In such situations, labour inspectors sent requests to the Social Insurance Institution to increase an accident insurance contribution for such companies by 100%.

Another form of activity to influence the safety level in construction were **short inspections targeted at eliminating direct hazards** to life and health of workers, repeated many times until the achievement of acceptable protection of persons working on the inspected sites.

As a result of signals received from individuals or the Police, over the phone or in writing, concerning hazards related to performance of construction works, including renovation of buildings and elimination of breakdowns from publicly available places, NLI's inspectors conducted over 1.6 thousand inspections. Some signals referred to works in the vicinity of schools or places where children and teenagers stayed.

In the NLI's opinion, **lack of legal responsibility of investors**, as the construction process participants, **for work safety**, both at the stage of investment planning and its implementation, has a negative influence on the effectiveness of supervision of OSH. The NLI's previous initiatives aimed at changing that situation by transposition of the construction directive provisions to the labour law (just like in Germany, for example), and especially detailing the instruction for the performance of construction works based on the example of the Work Safety and Health Plan, have turned out to be unsuccessful. The new regulations on the minimum hourly rate for contracted parties and the amended law on public orders will, hopefully, create adequate opportunities for honest entrepreneurs.

The NLI, State Fire Brigades and the Environmental Protection Inspectorate continued the coordinated preventive and inspection activities in **the nitrogen and fuel sector enterprises**, which due to large quantities of hazardous substances present on their premises are classified as enterprises with a heightened or major risk of a serious industrial accident. Preventive and subsequently inspection activities covered 5 nitrogen enterprises (all classified as major risk companies) as regards installations for storage and distribution of hazardous substances: hydrogen peroxide, vinyl chloride, propylene, oleum,

ammonia, as well as 17 enterprises (organisational units) of the fuel sector (dealing with storage and/or distribution of products of crude oil distillation) – 13 of them were classified as major risk enterprises and 4 – as heightened risk enterprises.

Due to the presence of large quantities of hazardous substances, which create a serious risk in the area of work safety, prevention of fires and environmental protection, it seems necessary to conduct further coordinated activities of the above-mentioned three supervisory authorities, both in nitrogen companies (as regards other selected installations creating major or heightened risk of a serious industrial accident), and in other enterprises (organisational units) dealing with storage and/or distribution of products of crude oil distillation.

The basic aim of the 3-year **intensified supervision programme**, started in the reporting year, is to reduce the number of persons engaged in conditions of exposure to hazardous, harmful and arduous factors and the resulting work accidents and occupational diseases in the selected enterprises. Most irregularities which directly influenced the safety of workers were related to **technical condition of machines and equipment**. It was concluded on the basis of the analysed post-accident documents that employers had failed to determine all circumstances or causes of accidents, had or determined the causes wrongly. The mistakes were mainly related to omitting some hazards existing in workstations or failing to update an occupational risk assessment following work accidents.

It can be expected that further intensive inspection activities, supported by preventive work, will bring about a marked improvement in safety and working conditions in enterprises covered with the NLI's supervision.

As a result of inspections in **enterprises with the highest accident rates**, an essential improvement was registered in the implementation of measures preventing work accidents in the group of re-inspected companies (previous inspections in the same thematic area were conducted in 2014). The effectiveness of applied measures to prevent recurrence of accidents is based on reliable post-accident procedures and updated occupational risk assessments that take account of the hazard sources (identified during those procedures), which caused the accidents.

In some companies no preventive measures were in fact implemented after the accidents or the implemented measures did not contribute to effective prevention of other incidents.

Results of inspections show that correct supervision and involvement of a company's management in OSH matters, especially as regards occupational risk assessment which takes account of post-accident findings, as well as participation of workers in such assessments, are the key factors for effective management of work safety.

In 2016, the NLI verified observance of provisions towards persons performing **work in hazardous conditions caused by factors related to the working environment**. The most frequent factor causing hazard for workers was noise at the level exceeding the highest permissible intensity. Other frequently identified factors included: excessive concentration of industrial dusts and chemical agents; intensity of mechanical vibrations exceeding the permissible thresholds. Exceeding the health standards by harmful factors in the majority of inspected enterprises is the fact that has remained unchanged for many years; often such irregularity has been noticed since the date of establishment of a specific enterprise. In spite of that, in many enterprises regular inspections and maintenance of machines and equipment were not conducted. The worn-out parts of machines and technical equipment which significantly influence the level of generated noise were not replaced. In some enterprises, the machinery park was to a large degree worn-out and it required modernisation. A significant number of employers did not apply collective protective measures to muffle noise or isolate its sources (sound-absorbing screening, sound-proof booths). Organisational solutions, such as shortening of working time, allowing for additional breaks at work, were rarely introduced to limit exposure to harmful factors.

**Employers often limited the protection against hazards to furnishing workers with personal protective equipment**, which should be used as a last resort, after applying all potentially feasible collective protective measures.

Many inspections revealed that employers incorrectly filled in referrals for preventive medical examinations and they did not keep copies of referrals for such examinations, issued to the workers. Those documents often did not include information, essential for a physician, about the working conditions; they did not mention the level of exposure to harmful factors and the up-to-date results of examinations and measurements of them. Provision of untrue or incomplete information to a physician who issued a medical opinion could have resulted in conducting inappropriate or incomplete medical examinations.

In **forestry service companies**, labour inspectors had the largest number of reservations about incompliance with provisions on conducting particularly hazardous tasks, including, among others, lack of list of such tasks, lack of detailed OSH requirements for performance of such tasks, non-appointment of persons to supervise such tasks directly. It resulted in essential mistakes already at the stage of preparation for cutting of trees, and during cutting and felling trees.

Mistakes in the technique of cutting and felling trees, made by lumbermen, especially those with short work experience, show that training quality is inadequate, especially as regards the skill of using tree cutting equipment safely. The NLI's legislative proposal to set out detailed requirements for training which saw operators should undergo (sent to the Minister of the Environment in 2014, repeated in 2016) is still awaiting implementation.

Inspections **in production enterprises not inspected by the NLI in the last 5 years** revealed that observance of OSH provisions in such companies poses a serious problem. It can be concluded from them that in many cases lack of NLI's inspections resulted in decreased involvement in OSH issues on the part of both employers and persons managing workers, as well as staff of the OSH service.

Important irregularities were still identified in **underground mining companies and in enterprises offering mining services** for the benefit of individual mines. One of the basic problems is related to the correctness of post-accident procedures conducted by post-accident teams, and in particular of the established circumstances and causes of work accidents, also those of repetitive nature.

The largest number of irregularities referred to **technical condition of communication routes**, in particular of casing of working pits or partial lack of casing, materials left lying around, excessive quantity of output in passageways for workers.

The essential objective of the National Labour Inspectorate's activity is to ensure adequate standard of labour protection in Poland. At the level of implementing detailed tasks, this objective is expressed as the achievement of permanent effects in the form of improved observance of labour law and increased safety of work performance by employees and persons working on the basis of civil law.

The last year did not bring about significant changes in the observance of the law and OSH provisions. Therefore, during preparation of the programme, we introduced corrections, among others, into the plan of long-term tasks that concern difficult issues, requiring time and consistent supervision. As every year, we took account of proposals submitted by social partners, ministries, central authorities and authorities for supervision of working conditions, as they supplement our own plans.

The NLI carried out about 8 thousand inspections related to the **preparation of workers** for performing work in the way which is in compliance with rules of occupational safety and health. The identified irregularities concerning the method of conducting occupational risk assessment, OSH training or preventive medical examinations result from the fact that **employers do not recognise a preventive role of the overall work organisation**. Formal compliance with duties in that respect is accompanied by unreliable identification of essential hazards in the occupational risk assessment, in training curricula or in referrals for medical examinations.

Additionally, in the territory of District Labour Inspectorates in: Białystok, Bydgoszcz, Kraków and Łódź, the NLI undertook **joint activities with the Supreme Chamber of Supervision** (NIK in Polish). Labour inspectors assessed the level of fulfilment by employers of the duty to ensure that employees undergo preventive medical examinations, whereas NIK divisions checked implementation of tasks in that regard by provincial centres



of occupational medicine. The basic neglect on the part of employers was that they did not write complete data, in the referrals for medical examinations, concerning the working conditions, including the existence of hazardous, harmful and arduous factors. The provisions do not require employers to keep such a document on files, therefore labour inspectors covered fewer than half of the referrals with inspections. Usually, insufficient information received from employers was not verified by occupational medicine physicians.

The findings made within the framework of that joint project of the NLI and NIK prove that it is indispensable to initiate legislative actions to increase the effectiveness of supervision by provincial centres of occupational medicine over the correct fulfilment by physicians of duties related to conducting preventive medical examinations, and to make amendments to *the Regulation of the Minister of Health and Social Welfare of 30 May 1996 on conducting medical examinations of workers, the scope of preventive health care of workers and medical certificates issued for the purposes set out in the Labour Code*. Such changes would enable the National Labour Inspectorate to inspect referrals for preventive examinations provided to physicians. In 2016, the Chief Labour Inspector sent a relevant legislative motion on that matter to the Minister of Health.

Analysis of the scale and type of revealed irregularities allows us to conclude that the level of compliance with provisions on legal protection of labour did not change significantly.

A particularly important problem in social terms is the infringement of provisions on **remuneration for work** and other due benefits.

Non-payment or delayed payment of salaries and other benefits resulting from an employment relationship occurs in all groups of employers irrespective of the type of conducted activity and company size. Analysis of revealed cases of **non-compliance with working time provisions** leads to similar conclusions. **Infringements of the two above-mentioned groups of provisions co-exist to a large degree in inspected companies**, whereas it is difficult to establish the scale of irregularities in payment of salaries due to problems with examining the actual working time of workers.

Employers fairly often do not keep working time records or keep such records in an unreliable way because they want **to conceal the actual number of hours of work performed** by workers. Moreover, inspections prove that this subject is one of the most difficult for employers and HR units, and correct calculation of working time creates most problems.

Employers often **do not conduct activity at the address mentioned in the economic activity register (or they frequently change the address), which considerably makes it difficult or impossible to conduct an inspection** (e.g. no possibility to deliver letters, no contact with an employer/entrepreneur) and to examine complaints. It creates problems

both for persons performing work – in cases when their employer does not fulfil the duties imposed by legislation, and for inspection authorities – in case of conducting (trying to commence) inspection activities.

At the same time, it should be noticed that **new phenomena** occur in the labour market, **but no legislation has been developed to regulate them**. Such lack of regulations can, on a significant level, negatively influence exercise of rights resulting from an employment relationship. This refers, among others, to **outsourcing** which means that specific tasks and functions are separated from organisational structure of an enterprise and fulfilment of them is mandated to an external entity. In practice, an additional contract is concluded in the framework of outsourcing – an agreement based on which the former employer transfers and the new employer (a company offering outsourcing services) accepts workers engaged to perform commissioned tasks. Art. 23<sup>1</sup> of the Labour Code is mentioned as the legal basis for the transfer and it refers to cases where a company or its part is taken over by another employer. Doubts may, however, arise about the effective transfer of workers by virtue of that provision, which in turn creates serious problems for employees, as they do not know who their employer is and from whom they may expect payment of remuneration and other benefits resulting from an employment relationship. Besides, in situations when the place of work and the range of workers' duties remain unchanged, and the role of the company taking the transferred workers is only limited to payment of remuneration to them, ZUS regards the former employer as the payer of social insurance contributions and any overdue payments are enforced from the former employer. To assess whether in a specific case there was a transfer of workers by virtue of art. 23<sup>1</sup> of the Labour Code, it is necessary to take account of specific circumstances of a given case, and a final decision may only be made in court proceedings.

Repetitive nature of irregularities identified in recent years and of their causes confirms that legislative suggestions submitted many times by the NLI are justified. They are aimed at **eliminating interpretation doubts** that make it difficult for employers to operate in compliance with provisions and for labour inspectors to permanently eradicate irregularities.

Although inspection results show improvement in some groups of employers and in some areas, irregularities in other areas remain unchanged, or even show a rising tendency. It can be assumed that such observations result, at least partly, from not random selection of companies for inspections. Activities are undertaken in entities and sectors with the highest probability of violations. Additionally, each District Labour Inspectorate has, due to social and economic circumstances, and even geographical location, its own characteristic features, which may have an impact, to a large degree, on the type and scale of irregularities and which are decisive for occurrence of specific types of irregularities.

Employers justify themselves mainly with financial difficulties, yet inspectors reveal other causes of violating legislation, including many a time **incorrect work organisation and**

**premeditated activities contrary to the law to gain maximum profits.** Moreover, one of the dominant causes of irregularities is **ignorance of provisions, which are unclear and change frequently.** The NLI notices the need for a law-maker to intervene in many areas and the most important of them are mentioned in this report.

Undeclared work, as a component of the shadow economy, is the phenomenon which is very harmful and has a negative impact on the national economy. Unfortunately, as it has been confirmed by inspections conducted for almost 10 years and the National Labour Inspectorate's observations, there is still **connivance for undeclared work** in the Polish society.

Some entrepreneurs are interested in **minimising labour costs**, which they consider to be a significant part of expenses of conducted activity. Evading the payment of social insurance contributions, advance on income tax, various costs related to employment of workers (for training, medical examinations, OSH services, HR services, etc.) allows an employer to obtain tangible profits from undeclared work.

An employer and a worker most often agree that a specific work task will be done for a predetermined fee. It is clear for both sides from the beginning that it concerns undeclared work and net remuneration. Some entrepreneurs make the work of their workers lawful by concluding mainly civil-law contracts, yet the terms of such contracts are unreliable, especially the set out **salary is much lower than the one actually paid.**

Financial profits of entrepreneurs engaging persons unlawfully are **much higher than possible penalties imposed both by inspection authorities and law courts for such types of infringements.** The risk of suffering the consequences for illegal employment following the NLI's inspection visit is relatively low – on the one hand due to low probability that a labour inspector will come to a company for a visit, and on the other hand – due to higher knowledge of those inspected of how to evade legal provisions. One can state that many entrepreneurs **consciously and purposefully violate legal provisions and they treat payment of a fine, which is still low, as part and parcel of the risk of conducted activity.**

As far as **workers** taking up illegal work are concerned, one may mention more reasons for which they decide to accept such form of work performance. It depends on age, life situation, qualifications and education of a worker.

A substantial group of those taking up undeclared work are **persons with a relatively low level of education and limited qualifications**, who have problems finding a permanent job. An offer of illegal employment is often the only one which they can get. Workers have no alternative and in the situation of **economic pressure**, they start illegal, frequently low-paid job, which is the only source of income for them to earn livelihood for their family. **These persons are exploited by dishonest entrepreneurs to the highest degree.**

During inspection visits, they are uninterested in cooperating with a labour inspector and they submit statements in accordance with expectations of the entrepreneur, which effectively hinders revealing illegal work. Any cooperation with a labour inspector may end with dismissal of such person and lack of possibility for that person to find another job in the local market.

Another, large group of persons interested in undeclared work are **people who do not care about legal employment at a given moment**. Such is the case with young persons, who obtain education and are most interested in the amount of wages they are paid cash in hand. In such situations, there is no economic coercion for them. These persons work if the offer suits them, and if not, they look for another job. During visits labour inspectors find working persons who univocally declare: "I have just started work based on a verbal contract of mandate". There were instances when e.g. in an inspected restaurant, such declarations were given by 10 persons out of the 12 working there.

Illegal work is taken up willingly also by **persons who want to hide their real income**. Among them two groups may be separated:

- the first – persons who have numerous obligations adjudged by sentences enforced by a court executive officer, including alimony or family maintenance, which is especially blameworthy. It is possible to prove work of such persons during conducted inspections only on the day of the inspection visit. In situations where a worker and a party entrusting work submit unanimous declarations, there is no evidence of their longer cooperation and it hinders revealing the fact of illegal work, because none of the parties is keen to do that;
- the second – persons who benefit from various forms of state assistance (doles, subventions, co-financing, reliefs, etc.), if it is granted depending on the amount of income.

Moreover, illegal work is performed by **persons engaged for various forms of training, in-service training, apprenticeship**. They hope that after finishing it they will receive an employment contract as promised by the employer. They receive the agreed, minimum salary for work, although there are cases where in accordance with a contract they receive no wages at all in the trial period. **Such situations happen mostly to young people seeking their first job**. Dishonest entrepreneurs want to benefit from the fact that a given person is interested in work and they say that he/she will be employed after the trial period which is to help both the entrepreneur (checking usefulness of the worker) and the worker (learning specific features of work, its conditions, etc.). Unfortunately, **after the agreed period, which many a time lasts several months, an employment contract is not concluded. A civil-law contract is sometimes proposed**. Such situations convince workers that informal employment for a specific period of time is normal. Cheated persons often decide to lodge a complaint with the NLI. They cooperate willingly with a labour inspector, which makes such inspections very effective. In the light of the collected

evidence, entrepreneurs usually legalise employment of such persons and pay them due remuneration.

The last, discernible group of persons taking up illegal work are **people who have a permanent source of income**. They have an employment contract and want to **earn extra income unofficially**, so they are interested only in the amount of earnings.

Some persons working illegally were at the same time registered in county labour offices as unemployed. They did not de-register themselves from the register of unemployed and justified it by the lack of a contract which might be submitted in the labour office. They were afraid of losing the right to health care and public medical assistance guaranteed to unemployed persons, so they did not inform labour offices about taking up paid work.

In the opinion of labour inspectors, in spite of increased presence of foreigners in the Polish labour market, **the causes of law infringements related to legality of employment of foreigners have not changed**.

The phenomenon of illegal work of foreigners is mainly connected with attempts of entrepreneurs **to reduce labour costs**. Avoiding employment in accordance with legislation is aimed at improving financial results of companies and helping maximise profits. Economic reasons also seem to explain the fact that civil-law contracts, instead of employment contracts, are concluded with foreigners. Employment based on civil law is perceived as a more flexible and profitable form of employment for an entrepreneur, reducing financial burdens connected, among others, with payment of the minimum salary for work, allowances for overtime and night-time work, as well as granting guaranteed annual leaves.

It is similarly with foreigners, **who are focused on achieving the highest possible income in a short time** and in many cases decide to conclude a task contract. Use of such contracts – in the absolute majority of cases – in conditions where an employment contract or a civil-law contract should be concluded, means evasion of provisions on social insurance and the minimum hourly rate. It has to be emphasised that a foreigner performing work on the basis of a task contract is not covered by social insurance (including accident insurance), health insurance and has not guarantee to receive a salary for each month of work. Especially the last issue has a negative impact on the protection of rights of foreigners taking up work in the territory of Poland. Losses for the state budget (state funds) from unpaid contributions for social and health insurance, Labour Fund and Company Fund of Guaranteed Benefits are also non-negligible.

Some entrepreneurs claim that allowing a foreigner to perform work before obtaining a work permit for that foreigner results from **obligations with a deadline in relation to their business partners**.

Labour inspectors indicate that some entrepreneurs are not interested in lawful engagement of foreigners. The amount of a possible fine imposed on entities employing workers not in accordance with provisions does not depend on the number of illegally engaged foreigners, which in practice means that the sanction for perpetrators of repeated violations of the law does not fulfil its preventive function. Another problem is that it is impossible for a labour inspector to apply ticketing proceedings upon identification of the majority of offences set out in the *Act on the promotion of employment and labour market institutions*. Imposition of fines, in the form of penalty tickets, on offenders who are in breach of legal provisions, would help eliminate costly and time-consuming proceedings in courts dealing with offences.

The main cause of the practice to offer employment placement services illegally should be linked, first and foremost, to **purposeful activities** of entities. As far as the dominant type of illegal services is concerned – temporary work – excessive use of the principle of freedom to conclude contracts is noticeable. The offered services, such as providing workers to another entity in the framework of outsourcing, leasing or subcontracting, are used **in order to conceal temporary work**. Numerous duties related to conducting regulated activity also have an impact on premeditated infringements of provisions. In the opinion of NLI's inspectors, many entities would not meet such requirements due to arrears in contributions for social and health insurance, Labour Fund and Company Fund of Guaranteed Benefits, or arrears in the payment of taxes.

Entrepreneurs using the hiring-out of workers also prefer to cooperate with entities that do not have the status of an employment agency, because they think that it will minimise the probability of classifying them, by the NLI, as employers-users and **thus, they will avoid additional duties resulting from engaging temporary workers**.

Unlawful offering of employment placement services by entities that did not obtain a certificate of the province marshal is also influenced by **the disproportion** between high profitability of illegal agency services, especially those related to employing or engaging foreigners based on civil-law contracts and a relatively low amount of fine for that offence.

Illegal employment placement services consisting in sending persons to work abroad for foreign employers usually arises from **the wish to obtain material profits** and to avoid all the responsibility. Such instances are accompanied by taking fees, which are not set out in provisions of the Act, e.g. recruitment fees.

Entities operating in the Polish labour market, which have not obtained an entry in the National Register of Employment Agencies, more and more often offer employment based on civil-law contracts and post workers abroad in order to provide services as care personnel or they send persons directly to foreign employers. The problem of engaging carers of the elderly on the basis of civil-law contracts and sending them to work abroad is sometimes the subject of complaints examined by labour inspectors. Frequently revealed

practices include conducting activity in the area of employment placement or temporary work without the required certificate. Inspection authorities have doubts about the nature of performed work, and specifically about concluding contracts for services with self-employed persons, especially those who register economic activity immediately before they go abroad. In such cases, due to the necessity to collect evidence material outside the territory of Poland to examine the actual situation, it is difficult **to classify performed work as temporary employment**.

According to labour inspectors, failure to observe employee rights of temporary workers and persons sent to temporary work on the basis of civil-law contracts results, to a large degree, from **insufficient legal provisions**. Lack of adequate regulations and existing interpretation doubts lead to conscious and intentional evasion of statutory provisions, especially as regards limits on periods of temporary work, which results in performing work by a given person for the same employer-user even for many years. It also contributes to the practice of **replacing employees who have employment contracts with temporary workers, which is a cheaper form of employment**, e.g. through changing the name of the position although the same type of work is performed.

Moreover, as NLI has pointed out for many years, this results from **the lack of legal liability of temporary work agencies** for violations of many provisions of the *Act on employment of temporary workers* and from relatively insignificant consequences of conducting employment agency services unlawfully, that is without a relevant entry in the National Register of Employment Agencies. The achieved profits from such economic activity are much higher than possible sanctions.

At the same time, as shown by our inspections, the temporary work sector is typified by **excessive use of civil-law contracts**, including task contracts, concluded in order to circumvent provisions on social insurance. It is difficult to eliminate them as regards foreigners, who are interested in concluding task contracts as a guarantee of obtaining the highest possible salary for work. Economic aspect is also non-negligible, i.e. an employer-user forces an employment agency to conclude civil-law contracts and the agency, wanting to begin or continue the cooperation, accepts such terms irrespective of the fact that the method of work performance is typical of an employment relationship.

The dominant cause of irregularities revealed in companies of employers-users is the use of temporary employment as the **tool for optimising labour costs**. Entrusting work to temporary workers is a method to limit labour costs, rather than impromptu and temporary help in organising the normal progress of the company's operations.

Additionally, an important aspect is **insufficient knowledge of provisions** concerning labour law and employment of temporary workers. The majority of inspected employers-users are convinced that all employment-related duties and responsibility for violations of labour law are applicable to an employment agency. It is shown by the example where an

employer-user fails to meet the duty to keep working time records for temporary workers and forward them to the agency, which frequently results in the lack of possibility to correctly calculate and pay remuneration by the agency.

In the area of posting of workers in the framework of the provision of services, several basic trends are noticeable. Although Poland is becoming a more attractive market and place for location of foreign investments, we are still a sending country in the majority of cases. The most popular directions of posting of workers include countries like Germany, France and Belgium. Irregularities connected with the process of sending workers to work abroad in the framework of the provision of services are mainly related to **failure to ensure the minimum terms of employment resulting from legislation of host countries**, which posting employers are obliged to observe, as well as failure to fulfil duties in relation to competent foreign authorities.

The scale of posting of workers to Poland is not significant. Foreign companies post the so-called mid-level personnel to work in our country, specifically in Polish branches of foreign entities. The revealed irregularities were most often connected with **failure to meet the duty to notify the NLI of posting or to appoint persons to liaise between the labour inspectorate and a foreign employer**. One may conclude that especially in the initial period after the new legal provisions on positing of workers to the territory of Poland came into force, knowledge of them was limited and so violations of legislation resulted from ignorance rather than premeditated intention to evade them. Ignorance referred also to employers from the so-called third countries who did not realise that the new provisions are applicable also to them, and not only to entrepreneurs from EU/EEA and Switzerland.

Short-term trips to Poland in order to perform work are often interpreted incorrectly – as a business trip rather than posting. Improvement of legal compliance in this area requires that besides inspection and supervisory activities, the NLI also conducts information and communication initiatives.

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As a result of labour inspectors' activities, **immediate hazards to life or health of over 70.2 thousand persons were eliminated**. The NLI enforced conducting **examinations and measurements of harmful factors** at workstations for **6.3 thousand persons**. Owing to actions of the NLI's inspectors, **employment contracts were concluded with 8.8 thousand persons** who had previously worked based on civil-law contracts or without any contract at all. **Working time records were established for 15.6 thousand workers**, whereas in the case of **83 thousand workers entries in working time records were corrected**. Moreover, as a result of issued decisions, instructions in improvement notices and verbal instructions, the NLI enforced **the payment of remuneration** and other benefits from employment relationships to **102 thousand workers**, in the total amount of **184 million PLN**, as well as dues to the **Labour Fund** in the amount of **2.3 million PLN for 34.3 thousand workers**.



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**NLI's preventive and promotional activities** are targeted at branches with high accident rates and significant occupational hazards. They support employers in eliminating accident risks and observing legal provisions, by offering expert assistance in the appropriate application of the law.

Last year, the NLI continued implementation of preventive programmes "Obtain the NLI's Diploma", "Work safety management – accident prevention" and "Preventing negative effects of stress in the workplace". Information and educational programme "Construction site. Stop accidents!" is already recognised and accepted in the whole construction sector. In the programme "Safety culture", addressed to young people who will begin professional life soon, the NLI provides information in as many as 467 educational facilities.

In the year 2016, the 3-year-long campaign (2016-2018) "Switch on safety in woodworking industry" began. According to plans, preventive and inspection activities were combined and they were supported by cooperation with the mass media.

The mass media activities (from September to December 2016) targeted at employers and workers were financed from funds of the National Labour Inspectorate and the Social Insurance Institution and carried out on the radio and the Internet. Specialist publications were also prepared to support employers in developing safe working conditions.

The National Labour Inspectorate conducts preventive and promotional activities in cooperation with many partners, who represent trade unions, employers' organisations, associations of OSH service staff, regional units of state administration, local self-government authorities, etc. Partners participate in organising training events, contests and conferences and they attend other events arranged by the NLI. In the reporting year, over **27 thousand persons** took part in the Inspectorate's events, including: over 1.3 thousand representatives of company trade unions, over 800 representatives of supra-company trade union organisations, over 4.7 thousand social labour inspectors, 1949 employees of OSH services or persons fulfilling such tasks, as well as over 3.2 thousand pupils from various levels of education. The majority of partners attended **522 training events**, organised all over the country (over 4400 persons attended the cycle "Time for social labour inspection").

The National Labour Inspectorate's preventive and promotional activity is addressed to micro-companies and small firms, which have most problems with observing standards of labour law, including OSH. Knowledge disseminated during training events and the possibility to consult experts help employers organise their companies in a better way and ensure safe working conditions to their workers.

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An important area for the fulfilment of statutory tasks by the National Labour Inspectorate was the cooperation with public administration authorities, self-government authorities of all levels, authorities responsible for supervision and inspection of working conditions, institutions active in the area of labour protection, as well as scientific and research centres.

The National Labour Inspectorate sent 15.6 thousand **notifications** of inspection results to competent authorities and institutions. Moreover, 3.2 thousand inspections were conducted **at the request** of the concerned parties, and 612 visits – **jointly** with other authorities.

The NLI conducted broad **international cooperation** in terms of its topics and geographical scope, taking account of tasks arising from new European regulations and paying attention to ensuring decent work, as well as occupational health and safety to domestic and foreign workers in Poland. In connection with new forms of employment and work organisation, new professions, growing importance of small and medium-sized companies, increased activity of employment agencies and unabated wave of labour migration – Polish labour inspectors face new challenges and can meet them successfully owing to, among others, effective cooperation with partner institutions from abroad.

During last year's meetings of the **Senior Labour Inspectors' Committee (SLIC)**, held in the Netherlands and Slovakia, the Polish delegation took part in discussions on the current Community actions to improve the level of labour protection. The SLIC conference in Amsterdam was devoted to prevention and inspection of exposure to hazardous substances, especially asbestos and respirable silica dust in the construction sector, and its programme included the presentation of the NLI's representative, titled "National Programme of Asbestos Removal. Polish NLI's inspections of OSH compliance at asbestos removal".

The problem of ageing workforce, changes in the labour market and role of labour inspections in improving working conditions and preventing work accidents and occupational diseases was discussed during the SLIC meeting in Slovakia.

The NLI's activity in the SLIC committee was also related to participation of our experts in the work of Working Groups dealing with: enforcement of Community legislation, EU strategy for years 2014-2020, cross-border law enforcement, KSS project (Knowledge Sharing Site for European labour inspectorates), preparation of Thematic Days in Slovakia and Malta, and Machinery Directive (MACHEX), including regulations on the use of work equipment for lifting of persons.

In the framework of the **Labour Inspectors' Exchange Programme**, implemented under the aegis of SLIC and financed from the European Commission's resources, two study visits took place. One of them, hosted by the Inspectorate of Social Affairs and

Employment in **the Netherlands**, was focused on inspection, supervisory and preventive activity related to work accidents in the construction sector. Then second visit was paid to **Belgium** and its main objective was to learn about activity of the Belgian inspection services.

NLI's experts were also involved in actions of **Working Groups** and **Administrative Cooperation Groups (ADCO)** for: Directive on Personal Protective Equipment (89/686/EEC), Machinery Directive (2006/42/EC), Lifts Directive (95/16/EC), Directive on Simple Pressure Vessels (87/404/EEC) and Directive on Pressure Equipment (97/23/EC).

It has to be emphasised that the NLI's representative was involved in the work of the **Expert Committee on Posting of Workers**, affiliated to the European Commission. The Committee analysed the current situation in EU Member States as regards transposition of Directive 2014/67/EU of 15 April 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services, changes to functions of the Internal Market Information (IMI) System in connection with the adoption of the enforcing directive and the progress of works on the draft directive to amend Directive 96/71/EC.

The NLI's representatives also attended two meetings of the European Commission's Group of Experts for implementation of the enforcement directive (2014/67/EU). The essence of amendments to the original directive on posting of workers consists in introducing the rule of the same pay for identical work in the same workplace, eliminating the practice of long-term posting and the pathologies resulting from long subcontracting chains, as well as in ensuring better protection of temporary workers from abuse.

Additionally, the NLI's representative attended two meetings, held in Brussels, of the **European Platform on Undeclared Work**, whose members are representatives of competent public institutions. The Platform's objective is to support actions aimed at tackling the problem of undeclared work, with due respect for the competence of individual Member States.

Due to membership in the **International Network of Training Institutes on Labour (RIIFT)**, the NLI's delegation attended the 20<sup>th</sup> meeting of RIIFT (in Estoril, Portugal), which was devoted to the role of labour inspection in farming sector. The NLI's expert presented effects of our inspection and supervisory activities in agriculture, especially long-term experience in accident prevention, and other participants assessed them as exemplary.

In the area of legality of employment, **Polish-Norwegian** relations were continued in the framework of the cooperation agreement signed in 2007. A meeting with the delegation of the Norwegian Labour Inspection Authority was held at the Chief Labour Inspectorate and it was devoted to exchanging experience and good practice aimed at preventing labour

market abuse, including illegal employment and irregularities in the process of posting of workers to provide services. Another topic was information activity targeted at Polish citizens taking up work in Norway.

In the framework of cooperation with the authority responsible for supervising working conditions in the Kingdom of **Denmark**, a visit of delegates from the Employment Committee at the Danish Parliament was organised at the Chief Labour Inspectorate and the most important aspects of the NLI's activity were described, including international cooperation. Moreover, under the leadership of the Ministry of Family, Labour and Social Policy, there are periodic meetings with representatives of the Danish Ministry of Labour, during which the NLI's expert participates in a working team, established as part of the Polish-Danish Steering Committee. The Team's objective is to discuss current problems related to taking up work by Polish citizens in the territory of the Kingdom of Denmark, also in the form of posting in order to provide services.

In connection with the project "Regional network for Labour Migration", implemented by the **Dutch** side and aimed at providing assistance to persons interested in taking up work or already working in the Netherlands, the NLI cooperated with the Embassy of the Kingdom of the Netherlands in Warsaw. An NLI's representative attended training for EURES advisers about the Dutch labour market and he presented information about posting of workers, especially to the Netherlands. The NLI was also represented at the meeting with representatives of the non-governmental organisation FairWork, which supports victims of human trafficking.

The labour inspectorate was involved in cooperation with **German** authorities responsible for supervising work safety during removal of asbestos-containing products. The Ministry of Labour, Social Affairs, Health, Women and Family of Brandenburg and the NLI established the Polish-German Team of Experts on Asbestos. The Team's objective is to develop a joint document presenting similarities and differences in works related to removal of asbestos-containing products in the territory of Poland and Germany, which is particularly important due to cross-border movement of workers.

Prevention and monitoring of exposure of workers to chemical substances, also during removal of asbestos-containing products, as well as application of adequate methods of assessing risk related to the existence of carcinogenic and mutagenic agents in the working environment, were the topics of a visit of a group of **French** trainees from the National Institute of Labour, Employment and Professional Training (INTEFP) to the NLI's Training Centre in Wrocław.

At the initiative of the **Georgian** inspection, a meeting was organised to present its representatives with information on the NLI's organisational structure and range of powers, methodology of developing work programmes, as well as the process of training NLI's staff at the NLI's Training Centre in Wrocław.

The NLI developed relations with the **Slovak** labour inspectorate in the framework of the agreement signed with Kosice District. Slovak labour inspectors paid two study visits to Cracow DLI, devoted, among others, to presentation of the NLI's supervisory and preventive activity on large construction sites, observance of OSH provisions during asbestos removal and NLI's initiatives addressed to private farmers.

The NLI's expert took part in the project titled "**Honest and responsible posting**", carried out jointly by the trade union headquarters of the construction sector from seven countries (Poland, France, Belgium, Portugal, Spain, Italy and Bulgaria), whose coordinator in Poland was "Budowlani" Trade Union. During three seminars, the NLI's representative presented speeches on the Polish provisions on posting of workers and on the inspectorate's role and actions in that area. The project objective was to deepen analysis of problems related to posting of workers in each of those countries.

It is also worth mentioning that the NLI contributed to the project "**Migrant Info – support for immigrants and introduction of them in the Polish society**", implemented in cooperation with the Ministry of the Interior and Administration and International Organisation for Migration (IOM) – office in Warsaw, co-financed from FAMI fund. The project is aimed at facilitating access to information on the rules and terms of stay and work of foreigners from the target group in Poland. In the framework of the project, consultancy is provided on subjects such as: legality of performing work by foreigners in Poland, rights and duties of parties to an employment relationship, protection from abuse. The NLI's partnership in the project means that our experts support consultants answering a helpline with subject-related advice, in accordance with the NLI's competence.

The National Labour Inspectorate continued activities supporting a new system of labour inspection **in Ukraine**, among others through participation of experts in two international conferences in Kiev and Odessa.

Finally, our inspectorate was involved in actions of the **European Enforcement Project (EEP)** on Contained Use and Deliberate Release of Genetically Modified Organisms. The group's meeting in Utrecht was focused on practical approaches to inspection in the light of Community legislation and directions of activities carried out in Europe in the area of contained use of GMOs.

## **ANNEXES**

### *Annex 1A*

Statistical data on the National Labour Inspectorate's activity in 2016 – inspections and legal measures *(by sectors of the national economy, according to PKD – equivalent of NACE)*.

### *Annex 1B*

Statistical data on the National Labour Inspectorate's activity in 2016 – inspections and legal measures *(by the number of employees)*

### *Annex 1C*

Statistical data on the National Labour Inspectorate's activity in 2016 – inspections and legal measures *(by the forms of ownership)*

### *Annex 2A*

Statistical data on the National Labour Inspectorate's activity in 2016 – offences and crimes against the rights of persons performing paid work *(by sectors of the national economy, according to PKD – equivalent of NACE)*

### *Annex 2B*

Statistical data on the National Labour Inspectorate's activity in 2016 – offences and crimes against the rights of persons performing paid work *(by the number of employees)*

### *Annex 2C*

Statistical data on the National Labour Inspectorate's activity in 2016 – offences and crimes against the rights of persons performing paid work *(by the forms of ownership)*

### *Annex 3*

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

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Economic entities operating in Poland in 2016, according to the Polish Classification of Activity (PKD, equivalent of NACE)

### *Annex 5*

Acts specifying powers of the NLI's inspectors

### *Annex 6*

A. Employees of the National Labour Inspectorate in 2016

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

**Statistical data on the National Labour Inspectorate's activity in 2016 – inspections and legal measures**  
(by sectors of the national economy, according to PKD - equivalent of NACE)

Annex 1A

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>82 456</b>	<b>316 919</b>	<b>7 124</b>	<b>4 028</b>	<b>9 566</b>	<b>6 107</b>	<b>8</b>	<b>57 096</b>	<b>279 209</b>	<b>12 928</b>
1.	Agriculture and forestry, hunting	1 596	6 454	136	151	268	73	0	1 110	5 016	193
2.	Mining and quarrying	404	2 021	15	10	92	110	0	268	1 051	22
3.	Industrial processing	16 328	91 106	1 547	777	4 373	1 520	1	11 954	58 691	2644
4.	Power production <sup>a)</sup>	257	958	13	1	42	4	0	165	599	30
5.	Water supply <sup>b)</sup>	1 107	5 647	79	50	128	83	0	768	3 542	155
6.	Construction	16 564	73 668	4 664	2 511	3 477	1 112	1	8 751	35 848	1703
7.	Trade and repairs <sup>c)</sup>	20 778	76 747	294	285	678	1 084	1	15 578	80 424	3689
8.	Transport and warehouse management	4 049	8 279	75	59	96	514	4	3 117	16 857	847
9.	Hotels and restaurants <sup>d)</sup>	3 569	12 273	19	12	93	175	0	2 813	15 432	844
10.	Information and communication	920	2 004	12	5	13	144	0	648	3 229	105
11.	Finances and insurance <sup>e)</sup>	729	1 144	4	1	6	69	0	513	2 510	115
12.	Real estate management	893	2 499	51	26	32	49	0	624	3 325	164
13.	Professional activity <sup>f)</sup>	2 523	6 462	106	49	78	321	1	1 769	8 638	412
14.	Administration services <sup>g)</sup>	4 001	5 619	62	50	64	380	0	2 645	10 953	571
15.	Public administration <sup>h)</sup>	953	1 445	5	1	37	5	0	573	2 331	94
16.	Education	2 474	5 935	6	13	23	260	0	1 778	9 126	388
17.	Health care and social work	2 076	4 897	4	3	20	88	0	1 546	7 966	354
18.	Culture, entertainment and recreation	930	2 659	10	1	13	34	0	650	3 483	145
19.	Other service activities	2 276	7 073	20	23	32	82	0	1 812	10 142	450
20.	Households <sup>i)</sup>	4	5	0	0	0	0	0	3	11	0
21.	Extraterritorial organisations <sup>j)</sup>	3	0	0	0	0	0	0	1	1	0
22.	Unspecified activity	22	24	2	0	1	0	0	10	34	3

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

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

<sup>4)</sup> total 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 2016 – inspections and legal measures**  
(by the number of employees)

Specification		NUMBER OF:									
		inspections	decisions					decisions ordering to cease economic activity <sup>2)</sup>	improvement notices <sup>3)</sup>	instructions in improvement notices	verbal instructions <sup>4)</sup>
			total <sup>1)</sup>	including:							
		those ordering to stop work activities		those ordering to transfer a worker to other tasks	those ordering to stop operation of machines	those ordering to pay financial benefits					
1	2	3	4	5	6	7	8	9	10	11	12
	<b>TOTAL, including enterprises with:</b>	<b>82 456</b>	<b>316 921</b>	<b>7 124</b>	<b>4 028</b>	<b>9 566</b>	<b>6 107</b>	<b>8</b>	<b>57 097</b>	<b>279 209</b>	<b>12 928</b>
1.	1 - 9 workers	47 796	184 261	4 682	2 720	5 044	2 525	2	32 205	157 037	7130
2.	10 - 49 workers	21 260	88 892	1 592	852	2 681	2 418	1	15 401	81 156	3977
3.	50 - 249 workers	8 867	32 201	599	338	1 465	872	1	6 412	29 090	1360
4.	250 and more workers	4 533	11 567	251	118	376	292	4	3 079	11 926	461

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

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

4) total 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 2016 – 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>82 456</b>	<b>316 921</b>	<b>7 124</b>	<b>4 028</b>	<b>9 566</b>	<b>6 107</b>	<b>8</b>	<b>57 097</b>	<b>279 209</b>	<b>12 928</b>	
1.	<b>Total public sector<sup>a)</sup>, by forms of ownership:</b>	<b>6 074</b>	<b>16 802</b>	<b>112</b>	<b>81</b>	<b>259</b>	<b>233</b>	<b>4</b>	<b>4 096</b>	<b>18 423</b>	<b>691</b>	
	1. state	1 517	3 194	48	21	118	136	4	790	2 787	95	
	2. self-government	4 328	12 936	51	49	129	77	0	3 154	15 086	575	
	3. mixed	229	672	13	11	12	20	0	152	550	21	
2.	<b>Total private sector<sup>b)</sup>, by forms of ownership:</b>	<b>76 151</b>	<b>299 464</b>	<b>6 999</b>	<b>3 943</b>	<b>9 290</b>	<b>5 870</b>	<b>4</b>	<b>52 867</b>	<b>260 188</b>	<b>12 198</b>	
	1. national private	68 209	272 031	6 446	3 616	8 268	5 117	4	47 590	236 136	11217	
	2. foreign private	4 218	12 590	266	177	438	218	0	2 821	12 358	502	
	3. mixed private	3 724	14 843	287	150	584	535	0	2 456	11 694	479	
3.	<b>Mixed balanced sector<sup>c)</sup></b>	<b>11</b>	<b>42</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>11</b>	<b>0</b>	
4.	<b>Unspecified ownership</b>	<b>220</b>	<b>613</b>	<b>13</b>	<b>4</b>	<b>17</b>	<b>4</b>	<b>0</b>	<b>129</b>	<b>587</b>	<b>39</b>	

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

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

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

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

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

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

4) total 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 2016 – 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 disciplinary measures	
those penalised with penalty tickets	those mentioned in penalty motions filed with courts		those covered by disciplinary measures						
1	2	3	4	5	6	7	8	9	10
	<b>TOTAL, including:</b>	<b>80 029</b>	<b>43 186</b>	<b>10 053</b>	<b>26 790</b>	<b>15 909</b>	<b>3 070</b>	<b>14 928</b>	<b>561</b>
1.	Agriculture and forestry, hunting	1 417	868	137	412	298	34	250	5
2.	Mining and quarrying	415	227	64	124	102	24	66	3
3.	Industrial processing	17 265	10 010	1 957	5 298	3 569	595	2 909	100
4.	Power production <sup>a)</sup>	155	68	20	67	35	8	37	1
5.	Water supply <sup>b)</sup>	914	543	47	324	200	20	170	8
6.	Construction	21 289	14 044	1 951	5 294	5 297	627	3 044	117
7.	Trade and repairs <sup>c)</sup>	17 989	8 458	2 110	7 421	3 043	612	3 989	103
8.	Transport and warehouse management	4 617	2 606	763	1 248	973	237	693	67
9.	Hotels and restaurants <sup>d)</sup>	3 753	1 588	727	1 438	534	208	805	29
10.	Information and communication	796	314	202	280	125	50	151	12
11.	Finances and insurance <sup>e)</sup>	588	242	89	257	87	31	147	7
12.	Real estate management	757	386	83	288	134	32	153	6
13.	Professional activity <sup>f)</sup>	2 140	982	418	740	382	122	403	18
14.	Administration services <sup>g)</sup>	2 704	1 052	675	977	467	234	643	42
15.	Public administration <sup>h)</sup>	354	123	25	206	39	10	119	2
16.	Education	1 313	445	165	703	175	54	396	7
17.	Health care and social work	1 171	432	200	539	168	73	312	12
18.	Culture, entertainment and recreation	515	175	96	244	75	28	139	8
19.	Other service activities	1 833	612	316	905	203	66	483	11
20.	Households <sup>i)</sup>	4	0	0	4	0	0	3	0
21.	Extraterritorial organisations <sup>j)</sup>	0	0	0	0	0	0	0	0
22.	Unspecified activity	40	11	8	21	3	5	16	3

<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> Extraterritorial organisations and teams

Source: NLI's data

**Statistical data on the National Labour Inspectorate's activity in 2016 – 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 disciplinary measures	
those penalised with penalty tickets	those mentioned in penalty motions filed with courts		those covered by disciplinary measures						
1	2	3	4	5	6	7	8	9	10
	<b>TOTAL, including enterprises employing:</b>	<b>80 029</b>	<b>43 186</b>	<b>10 053</b>	<b>26 790</b>	<b>15 909</b>	<b>3 070</b>	<b>14 928</b>	<b>561</b>
1.	1 - 9 workers	49 451	25 604	6 908	16 939	9 259	2 111	9 182	391
2.	10 - 49 workers	20 123	11 413	2 379	6 331	4 079	661	3 517	90
3.	50 - 249 workers	7 219	4 337	515	2 367	1 743	198	1 473	57
4.	250 and more workers	3 236	1 832	251	1 153	828	100	756	23

Source: NLI's data

**Statistical data on the National Labour Inspectorate's activity in 2016 – 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 disciplinary measures	
those penalised with penalty tickets	those mentioned in penalty motions filed with courts		those covered by disciplinary measures						
1	2	3	4	5	6	7	8	9	10
	<b>TOTAL, including:</b>	<b>80 029</b>	<b>43 186</b>	<b>10 053</b>	<b>26 790</b>	<b>15 909</b>	<b>3 070</b>	<b>14 928</b>	<b>561</b>
1.	<b>Total public sector<sup>a)</sup></b> including:	<b>2 792</b>	<b>1 044</b>	<b>194</b>	<b>1 554</b>	<b>434</b>	<b>87</b>	<b>894</b>	<b>17</b>
	1. state	625	283	67	275	134	23	175	6
	2. self-government	2 030	688	115	1 227	262	59	683	10
	3. mixed	137	73	12	52	38	5	36	1
2.	<b>Total private sector<sup>b)</sup></b> including:	<b>77 021</b>	<b>42 053</b>	<b>9 833</b>	<b>25 135</b>	<b>15 439</b>	<b>2 969</b>	<b>13 979</b>	<b>537</b>
	1. national private	69 581	37 839	8 900	22 842	13 777	2 668	12 587	492
	2. foreign private	3 785	2 114	483	1 188	850	151	741	24
	3. mixed private	3 655	2 100	450	1 105	812	150	651	21
3.	<b>Mixed balanced sector<sup>c)</sup></b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>
4.	<b>Unspecified ownership</b>	<b>214</b>	<b>88</b>	<b>26</b>	<b>100</b>	<b>35</b>	<b>14</b>	<b>54</b>	<b>7</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 by 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>	2015	87622	304	502	86816
	2016	87886	239	464	87183
Agriculture, forestry, hunting and fishing (A)	2015	1296	22	23	1251
	2016	1224	10	18	1196
Mining and quarrying (B)	2015	2261	16	15	2230
	2016	2204	27	9	2168
Industrial processing (C)	2015	28351	78	211	28062
	2016	28921	50	228	28643
Power, gas, steam, hot water production and supply, air supply for air-conditioning systems (D)	2015	709	5	5	699
	2016	674	3	5	666
Water supply; waste management and remediation (E)	2015	2224	14	21	2189
	2016	2350	4	4	2342
Construction (F)	2015	5776	69	84	5623
	2016	5468	51	70	5347
Wholesale and retail sale, vehicle maintenance, inclusive of motorcycles (G)	2015	12006	14	29	11963
	2016	11808	17	35	11756
Transport and storage (H)	2015	6262	49	39	6174
	2016	6374	37	33	6304
Accommodation and gastronomy activities (I)	2015	1229	-	6	1223
	2016	1393	2	2	1389
Information and communication (J)	2015	532	3	2	527
	2016	539	2	-	537
Financial and insurance activities (K)	2015	1079	1	4	1074
	2016	1036	1	2	1033
Real estate activities (L)	2015	956	-	5	951
	2016	855	1	1	853
Professional, scientific and technical activities (M)	2015	1162	1	5	1156
	2016	1189	5	9	1175

Sectors (sections in the Polish Classification of Activity*)	Years	Number of victims of work accidents			
		Total	Fatal	Serious	Minor
		in absolute numbers			
Administrative and support activities (N)	2015	4196	10	19	4167
	2016	4198	11	21	4166
Public administration and national defence, obligatory social insurance (O)	2015	4192	7	12	4173
	2016	4072	5	11	4056
Education (P)	2015	4741	2	6	4733
	2016	4816	6	3	4807
Health care and social assistance (Q)	2015	9312	6	8	9298
	2016	9476	6	9	9461
Culture, recreation and entertainment (R)	2015	861	5	5	851
	2016	840	1	3	836
Other services (S, T, U)	2015	477	2	3	472
	2016	449	-	1	448

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

Source: preliminary data of the Central Statistical Office (GUS in Polish)

**Economic entities operating in Poland towards the end of 2016**  
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>729 782</b>	<b>1 078 599</b>
Agriculture, forestry and hunting	9 904	8 326
Mining and quarrying	1 336	724
Manufacturing	91 937	97 849
Production of electricity	1 198	954
Water supply	4 992	2 860
Construction	88 963	155 859
Trade, repairs	201 166	230 508
Transport and warehousing management	51 112	78 311
Hotels and restaurants	28 183	21 517
Information and communication	14 471	58 630
Finance and insurance	12 959	31 643
Real estate management	14 842	23 443
Professional activity	57 506	146 902
Administration services	20 876	36 261
Public administration	6 795	305
Education	34 349	25 086
Health care and social work	32 836	82 137
Culture, entertainment and recreation	10 659	12 656
Other service activities	40 194	56 494
Households	2	1
Extraterritorial organisations	122	9
Unspecified activity	5 380	8 124

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 31 December 2016).

### 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 2017, item 786
2	Act of 26 June 1974 - Labour Code	Journal of Laws of 2016, item 1666, as amended
3	Act of 17 November 1964 - Code of civil proceedings	Journal of Laws of 2016, item 1822, as amended
4	Act of 6 June 1997 - Code of criminal proceedings	Journal of Laws of 2016, item 1749, as amended
5	Act of 24 August 2001 - Code of proceedings in misdemeanour cases	Journal of Laws of 2016, item 1713, as amended
6	Act of 16 April 2004 on working time of drivers	Journal of Laws of 2012, item 1155, as amended
7	Act of 19 December 2008 on bridging pensions	Journal of Laws of 2017, item 664
8	Act of 2 July 2004 on the freedom of economic activity	Journal of Laws of 2016, item 1829, as amended
9	Act of 5 April 2002 on European works councils	Journal of Laws of 2012, item 1146, as amended
10	Act of 4 March 2005 on the European grouping of economic interests and a European company	Journal of Laws of 2015, item 2142
11	Act of 7 April 2006 on informing and consulting employees	Journal of Laws, No. 79, item 550, as amended
12	Act of 7 October 1999 on the Polish language	Journal of Laws of 2011, No. 43, item 224, as amended
13	Act of 21 June 2002 on explosive materials for civil uses	Journal of Laws of 2017, item 283
14	Act of 22 June 2001 on genetically modified microorganisms and organisms	Journal of Laws of 2015, item 806, as amended
15	Act of 25 October 1991 on organising and conducting cultural activity	Journal of Laws of 2012, item 406, as amended
16	Act of 17 June 1966 on enforcement proceedings in administration	Journal of Laws of 2016, item 599, as amended
17	Act of 5 August 2015 on work at sea	Journal of Laws of 2015, item 1569, as amended
18	Act of 29 November 2000 – Nuclear law	Journal of Laws of 2017, item 576
19	Act of 10 April 1997 – Energy Law	Journal of Laws of 2017, item 220, as amended
20	Act of 9 October 2015 on biocidal products	Journal of Laws of 2015, item 1926, as amended
21	Act of 15 April 2011 on medical treatment activity	Journal of Laws of 2016, item 1638, as amended
22	Act of 20 April 2004 on the promotion of employment and labour market institutions	Journal of Laws of 2016, item 645, as amended
23	Act of 22 July 2006 on transferring money to benefit-payers for increasing salaries	Journal of Laws No. 149, item 1076, as amended
24	Act of 27 August 1997 on professional and social rehabilitation and employment of the disabled	Journal of Laws of 2016, item 2046, as amended
25	Act of 23 May 1991 on settling collective disputes	Journal of Laws of 2015, item 295, as amended



26	Act of 15 June 2012 on the effects of entrusting work to foreigners staying in the territory of Poland contrary to legal provisions	Journal of Laws of 2012, item 769
27	Act of 24 June 1983 on social labour inspection	Journal of Laws of 2015, item 567
28	Act of 22 July 2006 on the European cooperative	Journal of Laws of 2016, item 7
29	Act of 25 February 2011 on chemical substances and their mixtures	Journal of Laws of 2015, item 1203, as amended
30	Act of 18 August 2011 on safety at sea	Journal of Laws of 2016, item 281, as amended
31	Act of 30 August 2002 on the conformity assessment system	Journal of Laws of 2016, item 655, as amended
32	Act of 11 August 2001 on special rules of reconstruction, repair and demolition of buildings destroyed or damaged in natural disasters	Journal of Laws of 2016, item 1067
33	Act of 6 September 2001 on road transportation	Journal of Laws of 2016, item 1907, as amended
34	Act of 30 October 2002 on social insurance in case of work accidents and occupational diseases	Journal of Laws of 2015, item 1242, as amended
35	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
36	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 2017, item 290
37	Act of 17 October 2003 on underwater works	Journal of Laws of 2014, item 1389, as amended
38	Act of 4 March 1994 on funds for social benefits in companies	Journal of Laws of 2016, item 800, as amended
39	Act of 13 July 2006 on the protection of claims of workers in case of insolvency of the employer	Journal of Laws of 2016, item 1256
40	Act of 9 July 2003 on the employment of temporary workers	Journal of Laws of 2016, item 360, as amended
41	Act of 23 May 1991 on trade unions	Journal of Laws of 2015, item 1881
42	Act of 21 December 2000 on inland navigation	Journal of Laws of 2013, item 1458, as amended
43	Act of 27 June 1997 on occupational medicine service	Journal of Laws of 2014, item 1184, as amended
44	Act of 1 December 1961 on marine chambers	Journal of Laws of 2016, item 1207
45	Act of 13 October 1998 on social insurance system	Journal of Laws of 2016, item 963, as amended
46	Act of 29 June 1995 on public statistics	Journal of Laws of 2016, item 1068, as amended
47	Act of 12 December 2013 on foreigners	Journal of Laws of 2016, item 1990, as amended
48	Act of 6 April 1990 on the Police	Journal of Laws of 2016, item 1782, as amended
49	Act of 20 May 2010 on medical products	Journal of Laws of 2017, item 211
50	Act of 12 October 1990 on Border Guard	Journal of Laws of 2016, item 1643, as amended
51	Act of 10 October 2002 on the minimum remuneration for work	Journal of Laws of 2017, item 847
52	Act of 13 April 2016 on conformity assessment systems and market surveillance	Journal of Laws of 2016, item 542, as amended
53	Act of 10 June 2016 on the posting of workers in the framework of the provision of services	Journal of Laws of 2016, item 868

*According to the legal status as of 28.04.2017.*

**A. EMPLOYEES OF THE NATIONAL LABOUR INSPECTORATE IN 2016**

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>2668</b>	<b>193</b>	<b>2422</b>	<b>53</b>
managers, excluding chief accountants	24	22		2
inspectors in managerial positions (District Labour Inspectors and their deputies)	48		48	
principal labour inspectors - heads of sub-districts	42		42	
other inspectors	1542		1542	
trainee inspectors	71		71	
specialised staff not conducting inspections	406	106	291	9
employees registering and analysing work of labour inspectors	183	27	149	7
accounting staff, including chief accountants	79	9	66	4
administrative staff	211	25	175	11
support staff	62	4	38	20

**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	103	3.9
31-40 years	644	24.1
41-50 years	885	33.2
51-60 years	697	26.1
over 60 years of age	339	12.7
<b>EDUCATION</b>		
ACADEMIC, including:	2417	90.6
legal	643	26.6
administrative	250	10.3
technical	1030	42.6
other faculties	494	20.5
COLLEGE	54	2
SECONDARY	159	6
VOCATIONAL	28	1
PRIMARY	10	0.4
<b>DURATION OF EMPLOYMENT IN NLI</b>		
shorter than 10 years	905	33.9
11-20 years	941	35.3
21-30 years	693	26
over 30 years	129	4.8

Source: NLI's data