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REPORT

on the National Labour Inspectorate's
activity in 2018

summary for the ILO



I. GENERAL INFORMATION

The National Labour Inspectorate (NLI) 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 laid down in the *Act of 13 April 2007 on the National Labour Inspectorate* (Journal of Laws of 2018, item 623 as amended).

The National Labour Inspectorate **reports to the Parliament of the Republic of Poland**. 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.

There are permanent opinion-giving and consultative bodies established to assist the Chief Labour Inspector, namely:

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

The Chief Labour Inspector is a member of the EU Senior Labour Inspectors' Committee (SLIC). Each year, the National Labour Inspectorate submits an "Annual Report on the NLI activity" to the SLIC Secretariat.

The Speaker of Parliament decides on the National Labour Inspectorate's statute, which specifies its internal organisation, seats and scope of territorial competence of District Labour Inspectorates.

The National Labour Inspectorate's organisational structure comprises: the Chief Labour Inspectorate, 16 District Labour Inspectorates with 42 sub-district offices, and the NLI 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.

II. SCOPE OF ACTIVITIES

2.1. Objective

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

- **supervision and inspection of labour law observance** by enterprises, in particular occupational safety and health rules and regulations, provisions concerning an employment relationship, remuneration and other benefits resulting from an employment relationship, working time, holidays, employee rights connected with parenthood, employment of juveniles and persons with disabilities;
- inspection of **legality of employment**, other paid work, conducting economic activity;
- inspection of **legality of employment**, other paid work and performance of work by **foreigners**;
- inspection of **goods** designed for use at employers' companies as regards their **compliance with requirements** or inspection related to **hazards created by goods**, in the meaning of the *Act of 13 April 2016 on Conformity Assessment Systems and Market Surveillance* (Journal of Laws of 2019, item 544), with the exception of goods subject to inspection of other competent market surveillance authorities, as well as conducting proceedings concerning such goods;
- inspection of **goods placed on the market or commissioned for use** as regards their compliance with essential or other requirements of occupational safety and health set out in separate regulations;
- taking actions aimed at **preventing and reducing hazards** in the working environment, in particular:
 - examining causes and circumstances of **accidents at work**, inspecting the application of measures preventing such accidents,
 - analysing causes of **occupational diseases** and inspecting the application of measures preventing such diseases,
 - **initiating research work** in the sphere of compliance with labour law, particularly health and safety regulations,

- initiating undertakings related to labour protection issues in **private farming**,
- providing advice aimed at reducing hazards to life and health of workers, as well as advice on labour law observance;
- taking **preventative and promotional actions** aimed at ensuring compliance with labour law;
- **cooperation with bodies for environmental protection** in inspecting observance by employers of regulations on counteracting hazards to the environment;
- inspection of the observance of occupational safety and health requirements laid down in the *Act of 22 June 2001 on Genetically Modified Microorganisms and Organisms* (Journal of Laws of 2019, item 706);
- inspection of **registers of employees performing work tasks of special nature or in special conditions**, as stipulated in Article 41.4 point 2 of the *Act of 19 December 2008 on Bridging Pensions* (Journal of Laws of 2018, item 1924);
- **issuing opinions on draft legal acts** in the area of labour law;
- lodging **complaints** and, following the concerned person's consent, participation in legal proceedings for the establishment of an employment relationship before Labour Courts;
- issuing **work permits** or permits to perform other types of gainful activity to **children** until they reach the age of 16;
- performing tasks laid down in the *Act of 10 June 2016 on the Posting of Workers in the Framework of the Provision of Services* (Journal of Laws of 2018, item 2206);
- providing advice in order to **support equal treatment** of citizens of the European Union Member States and Member States of the European Free Trade Association (EFTA) – parties to the agreement on European Economic Area, who exercise the right of free movement of workers, as well as members of their families;
- **prosecuting offences** against employee rights as defined in the Labour Code and other Acts, and participation in proceedings as a public prosecutor;
- inspection of the payment of remuneration in the amount resulting from the **minimum hourly rate of pay**, in accordance with the provisions of the *Act*

of 10 October 2002 on the Minimum Remuneration for Work (Journal of Laws of 2018, item 2177);

- inspection of compliance with duties laid down in art. 23r subsection 3 and 4 of the *Act of 10 April 1997 – Energy Law* (Journal of Laws of 2017, item 755), with regard to liquid fuels in the framework of carrying out an inspection of compliance with the Labour Code;
- inspection of compliance with provisions of the *Act of 10 January 2018 on Limiting Retail Trade on Sundays, Holidays and Some Other Days* with regard to engaging an employee or a worker to perform work in retail trade or carry out activities connected with trade in retail entities.

2.2. Regulatory changes applying to NLI in 2018

In 2018 the *Act of 13 April 2007 on the National Labour Inspectorate* was **amended** three times. The fourth amendment published in 2018 in connection with the *Act of 4 October 2018 on Employee Capital Plans* (Journal of Laws, item 2215) came into effect as of 1 January 2019.

As of 1 March 2018 the *Act of 10 January 2018 on Limiting Retail Trade on Sundays, Holidays and Some Other Days* (Journal of Laws of 2019, item 466) came into effect. This Act imposed on the National Labour Inspectorate the task of inspection of compliance with the provisions of the *Act of 10 January 2018 on Limiting Retail Trade on Sundays, Holidays and Some Other Days* with regard to engaging an employee or a worker to perform work in retail trade or carry out activities connected with trade in retail entities.

As of 19 July 2018, the *Act of 15 June 2018 Amending the Act on Conformity Assessment and Market Surveillance Systems and Certain Other Acts* (Journal of Laws, item 1338) came into effect and it amended the *Act on the National Labour Inspectorate*. Due to the amendment, point 5a was added into Article 10.1 thus expanding the activities of the National Labour Inspectorate, within the framework of market surveillance, to inspect conformity assessment, perform inspections with regard to reckless endangerment and inspections of formal nonconformity with regard to goods designed for use by employers, as well as conducting proceedings and applying criminal sanctions in these cases. Those changes were associated with the inclusion in the

scope of inspection activities of goods subject to EU regulations adapted to the New Legislative Framework.

The next amendment of the *Act on the National Labour Inspectorate* came with the *Act of 9 November 2018 Amending the Act on the National Labour Inspectorate* (Journal of Laws, item 2282) which came into effect as of 22 December 2018. This Act introduced Art. 44a into the Act on the National Labour Inspectorate, whereby an employee supervising or performing inspection activities shall lodge a written statement if the employee's relative carries out economic activity or activities performed on the basis of an employment relationship or other basis, that might be subject to inspection of the National Labour Inspectorate. The aim of the a/m provision is to ensure the transparency of inspection activities of the labour inspectors. Potential ties between the subject of inspection carried out by the labour inspector with the activity of their family member could lead to a conflict of interest as well as suspicion of bias or motives based on self-interest. The provision introduced by the amendment is to allow such an organisation of activities as to ensure the transparency of the labour inspectors' activities.

The last amendment of the *Act on the National Labour Inspectorate* came with the *Act of 4 October 2018 on Employee Capital Plans* (Journal of Laws, item 2215). Pursuant to the provisions of this Act, as of 1 January 2019 the scope of the National Labour Inspectorate's activities has been extended to cover the prosecution of offences as described in Art. 106 and Art. 107 of the *Act on Employee Capital Plans* and participation in proceedings regarding these offences as a public prosecutor, as well as inspection of fulfilment of obligations set out by the *Act on Employee Capital Plans*, including in particular the obligation to conclude contracts to run Employee Capital Plans and contracts to manage them, and to make deposits into them.

Moreover, on 27 December 2018 the *Act of 6 December 2018 Amending Certain Acts to Improve the Efficiency of Enforcement of Maintenance Obligations* (Journal of laws, item 2432) was published. This Act amended the *Act of 6 June 1997 – Executive Penal Code* (Journal of Laws, of 2019 item 676, as amended) through the addition of Art. 43ga in line with which at the request of the National Labour Inspectorate the supervising entity, as understood pursuant to the

Act, shall make available without delay, in writing – on paper or electronically, information concerning the place of residence of the sentenced person evading their maintenance obligation, including the obligation to reimburse the state budget for the benefits paid in the case of ineffectiveness of enforcement of maintenance obligation, to whom a penalty, a punitive measure or a safeguard measure was applied which was paired with electronic monitoring. The information is made available with a view to an inspection carried out by the National Labour Inspectorate of the legality of employment of the sentenced person evading their maintenance obligation, including the obligation to reimburse the state budget for the benefits paid in the case of ineffectiveness of enforcement of maintenance obligation. The provisions came into force as of 11 January 2019.

2.3. Subject matter and scope of NLI inspections

In line with the *Act of 13 April 2007 on the National Labour Inspectorate*, the labour inspectorate's **supervision and inspection applies to** employers, and in the area of occupational safety and health and legality of employment also to entrepreneurs not being employers and other organisational units 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 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* (Journal of Laws of 2018, item 1265, as amended) – 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 from the territory of the European Union Member States, European Economic Area countries not belonging to the European Union and countries 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. 19fa, art.

19ga, art. 85(2) and art. 85a of the *Act of 20 April 2004 on the Promotion of Employment and Labour Market Institutions*;

- entrepreneurs to whom the provisions of *Act of 10 January 2018 on Limiting Retail Trade on Sundays, Holidays and Some Other Days* apply;
- 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, a job is performed or services are provided to 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*.

2.4. Legal instruments at NLI's disposal

In order to implement the NLI's tasks, the inspectors are authorised to conduct inspection activities in 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 violations of labour law or provisions on legality of employment. The measures include:

- **order to eliminate identified infringements of rules and regulations of work safety and health by a specified deadline;**
- **order to stop work or activity** if the infringement poses a direct risk to life or health of employees or other persons performing the work or conducting the activity; **order to assign other work tasks** to workers or other persons allowed to perform forbidden, harmful or hazardous tasks in violation of the binding provisions, or to 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 a 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 that those responsible be held accountable;
- **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;
- **address an improvement notice or issue an instruction** to pay due remuneration for work in the amount stemming from **minimum hourly rate** pursuant to the *Act of 10 October 2002 on the Minimum Remuneration for Work*;
- 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 and Market Surveillance Systems*, for

violating legal provisions on **placing products on the market** or commissioning products for use.

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

The National Labour Inspectorate **cooperates** in the fulfilling of its tasks with trade unions, employers' organisations, self-government bodies of workforce, worker councils, social labour inspection, public employment services in the meaning of the provisions on employment promotion and labour market institutions, Governmental Plenipotentiary for Equal Treatment, bodies of state administration, in particular authorities for supervision and inspection of working conditions and authorities of the National Fiscal Administration, as well as the Police, the Border Guard, the Social Insurance Institution and local self-government bodies.

III. NLI ACTIVITY IN NUMBERS

The NLI's inspection, supervisory and preventive activity in 2018 was conducted in accordance with the **annual and long-term** work plan (2016-2018) developed on the basis of an analysis focused on the outcomes of the inspectorate's actions to date, comments and recommendations of the Labour Protection Council and parliamentary committees (especially the Committee for State Supervision), as well as proposals submitted by trade unions, employers' organisations, ministries and central authorities, authorities tasked with supervision and inspection of working conditions, research institutes. **The National Labour Inspectorate fulfilled the tasks included in the work programme.**

In 2018 labour inspectors conducted **80.2 thousand inspections in 63.3 thousand employers and other entities where the total number of staff was 3.8 million persons.**

In connection with the infringements of **occupational safety and health** provisions identified during inspections, labour inspectors issued **258.3 thousand decisions**. Thanks to the actions undertaken by the labour inspectors **immediate risks to life or health were eliminated in the case of 63 thousand workers.**

Apart from decisions concerning work safety, labour inspectors issued **5.9 thousand decisions ordering payment of remuneration** or other benefits due from an employment relationship. Those decisions concerned **the total sum of PLN 97.1 million due to 42.2 thousand employees.**

Furthermore, **1.3 thousand persons** working on the basis of a **contract of mandate** or a contract for provision of services (with respect to whom the provisions regarding **minimum hourly wage** were infringed) received sums due amounting to **over PLN 1 million.**

Inspectors issued inspected entities with **over 50.8 thousand improvement notices** containing the total number of **247.3 thousand instructions** to eliminate identified irregularities. They also gave **13.7 thousand verbal instructions** on irregularities which can be eliminated during the inspection or immediately after its completion.

During inspections, NLI inspectors identified **60.8 thousand offences** in total against the rights of persons performing paid work. In consequence, they imposed **14.8 thousand fines** in the form of **penalty tickets** on the offenders amounting to the total sum of **PLN 17.9 million**, sent **almost 2.6 thousand penalty requests to court** and applied **13.9 thousand disciplinary measures.**

In 2018, labour inspectors sent **726 notifications** to the prosecutor's office of the suspicion of a crime. In consequence of the submitted notifications, 211 proceedings were initiated; in 42 cases the prosecutor's office refused to initiate proceedings; 133 proceedings were discontinued; 94 indictments were sent to courts (status as at 5 March 2019).

Inspectors examined **102.4 thousand problems raised in 54.1 thousand complaints**. As in the previous reporting period – the majority of cases concerned the **payment of remuneration for work and other benefits** related to work (37.6 thousand). Next in sequence were issues linked with the employment relationship (19.8 thousand) and working time (8.5 thousand). A frequent cause of complaints in 2018 was the broadly understood working conditions, i.e. regarding work preparation (4.7 thousand), workspace, sanitary facilities, ventilation, heating and lighting (over 5 thousand) and

SELECTED STATISTICAL DATA ON NLI'S ACTIVITY

80.2 thousand inspections

immediate risks for life or health were eliminated in the case of **63 thousand** persons

14.6 thousand employment contracts were concluded with persons previously working on the basis of a contract of mandate, a contract for provision of services or without any contract

PLN 76.6 million of due remuneration and other benefits were paid to employees whereas contractors received the total due sum of **PLN 1 million**

inspectors issued **15.5 thousand** notifications to other authorities with regard to identified problems

309 training sessions were organised for employers from sectors where occupational risk level is particularly high

1 277 employers were enrolled into NLI prevention programmes

within "Safety culture" programme, **48.2 thousand** students took classes conducted by 2.2 thousand teachers

personal protective equipment (2.7 thousand). Almost 4.8 thousand submitted allegations concerned the legality of employment and other gainful activity.

In 2018, NLI inspectors and specialists provided **740.6 thousand pieces of advice** on legal and technical matters free of charge.

Persons wishing to receive advice mostly contacted the office via telephone (56.1%) and in person (40%); 3.2% persons received a written answer and 0.7% – via an e-mail. The largest group of persons using the advisory services were workers (including disabled workers) – 49.1% of the total number of users. The next two largest groups seeking information on the existing legal state with regard to the labour law were employers (27.8%) and former workers (12.9%). Other persons to benefit from NLI's advisory services were foreigners (2%), trade unions (0.4%), persons seeking employment,

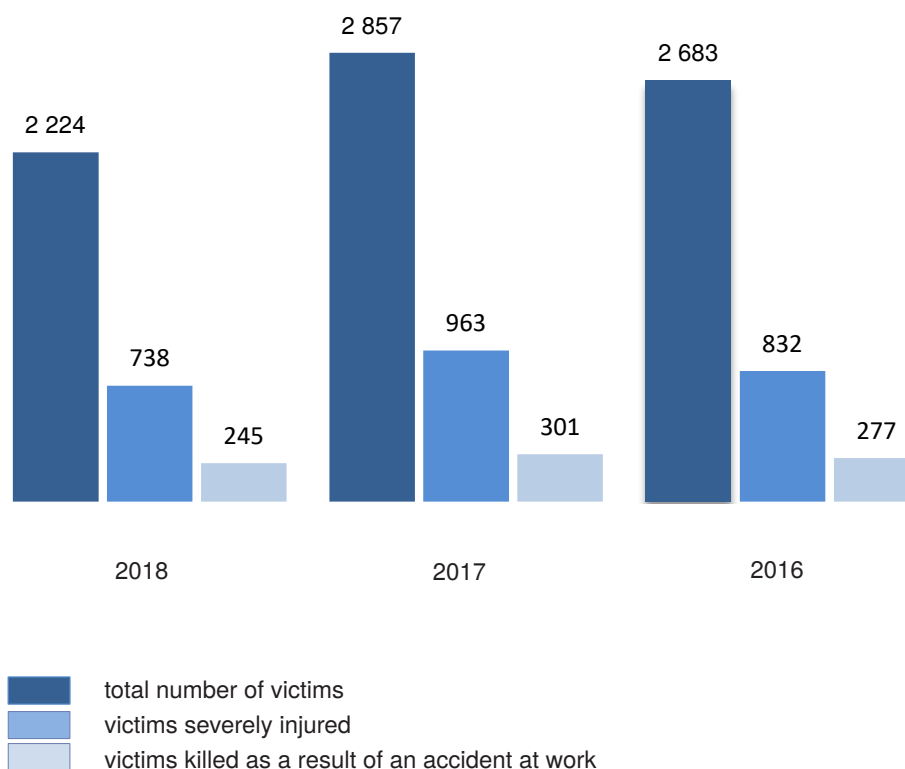
social labour inspectors, OSH services, private farmers and others.

IV. SAFETY AND PROTECTION OF HEALTH AT THE WORKPLACE

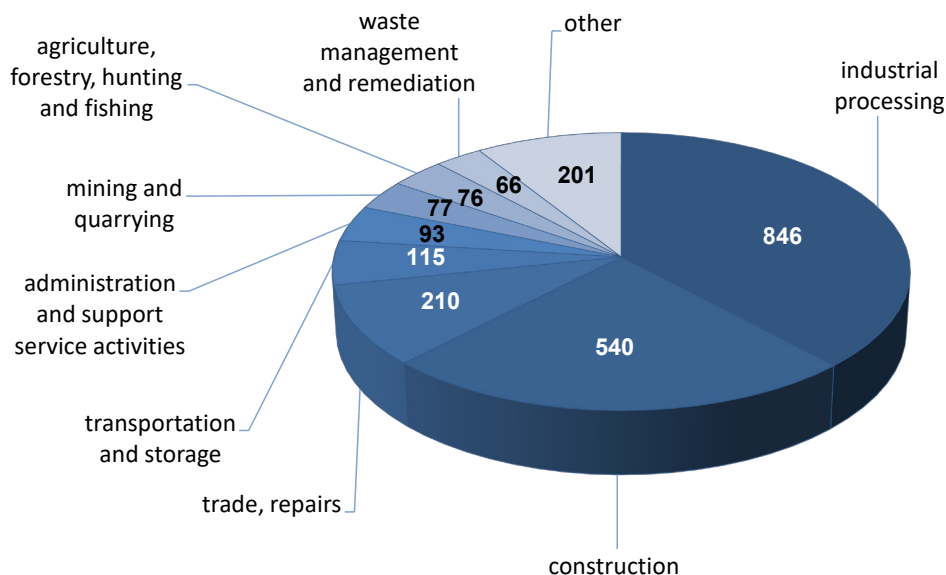
One of the most important tasks of the National Labour Inspectorate is preventing and reducing hazards in the working environment, inter alia, through carrying out supervisory and inspection activities. In 2018 the inspection activities of the labour inspectors with regard to occupational safety and health focused on the sectors and types of economic and service activity in which there is a particularly high risk of an accident at work or an occupational disease.

12 857 thematic inspections were carried out with regard to safety and protection of health at the workplace. The scope of inspections included OSH issues requiring the constant applying of supervisory

TOTAL NUMBER OF VICTIMS OF OCCUPATIONAL ACCIDENTS, INCLUDING VICTIMS KILLED OR SEVERELY INJURED, (FROM 2016 TO 2018) INVESTIGATED BY LABOUR INSPECTORS



**TOTAL NUMBER OF VICTIMS IN OCCUPATIONAL ACCIDENTS (OCCURRING IN 2018)
INVESTIGATED BY LABOUR INSPECTORS - BREAKDOWN BY SECTORS OF NATIONAL ECONOMY**



and inspection measures, i.e. work safety management in workplaces where accidents at work have occurred, supervision of workplaces with high occupational risks, employment of disabled persons, temporary workers, and sections and divisions of national economy which have for a long time been classified as areas of high risk of damage to health and loss of life (in particular: construction, industry and forestry).

The health and safety hazards present in the inspected enterprises are clearly visible during inspections concerning the investigation of the circumstances and causes of accidents at work. In 2018 the labour inspectors investigated the circumstances and causes of 2064 accidents at work reported to the National Labour Inspectorate. As a consequence of these accidents 2224 persons were harmed, of whom 245 were killed and 738 persons suffered severe injuries. The occurrences were mainly reported by the police.

The number of victims killed or severely injured during an accident at work in the cases inspected by NLI in years 2016-2018 amounted to 43.2% (in 2018 – 44.2%, in 2017 – 44.2%, in 2016 – 41.3%).

The victims of accidents (occurring in 2018) investigated by the labour inspectors usually worked, as in the previous year, in **industrial processing plants, construction**, retail, transportation and warehouses, as well as administrative services and support services.

The most frequent cause of fatal accidents was fall from a height (48 victims); getting hit by an object (25 victims); loss of control over a means of transport (16 victims); electric shock (9 victims); falling of an object (7 victims). The investigation of the most severe accidents and determining within the course of proceedings their causes and circumstances are the basis for the NLI's planning of inspection activities in entities belonging to the sector of occurrence. The aim is to carry out a technical run-through of the machines, devices and tools which were in use during the accident and were instrumental to its occurrence. Therefore the supervisory and inspection activities in 2018 were focused mainly on construction sites and production sites. The analysis of information regarding the activity conducted at the workplace, the work processes and the victims of accidents, as

well as working conditions, organisation of work and human behaviour patterns at the workplace, allows NLI to create a complete picture of the state of safety at work before the accident and at the moment it happened.

Apart from investigating the causes and circumstances of accidents at work, labour inspectors also conducted the analysis of the accidents themselves which in many cases made it possible to introduce systemic measures directly influencing the improvement of working conditions. 577 inspections were carried out in workplaces where **numerous accidents at work** occurred within the last 3 years. In the chosen entities between 2015-2017 there were 12 695 accidents at work recorded in which there were 12 755 victims, including 12 deaths and 50 serious injuries.

Infringements with regard to **post-accident proceedings** and formulating **conclusions** aimed at **preventing, eliminating and limiting** accident risk were identified in the majority of workplaces inspected for the first time. In the case of workplaces re-inspected, it is noticeable that although the infringements are still present, in great many cases there is a significant improvement. Nonetheless, cases are still reported of employers (in fact, mid-level management) failing to implement the measures and preventive conclusions prescribed by the post-accident team, as well as cases of formulating conclusions and preventive means inadequate to the real circumstances and/or causes of the accident. **A noticeable improvement** can, however, be **seen in workplaces where a safety management system is implemented** (regardless of whether it is certified or not). The analysis of post-accident documentation and the occupational risk assessment indicates that (especially in workplaces inspected for the first time) the situation is still far from satisfactory, nevertheless it keeps improving. The inspectors' concerns were mainly with regard to the **inadequate identification of hazards** which, once activated, led to the accident. Another concern was the failure to plan preventive measures. The inspections confirmed that the **most effective form of action** – apart from the applying of legal measures after the inspection – was a **meeting of the labour inspector with the management** (members of the board and mid-level management) of

the workplace towards the end of the inspection.

Such a meeting made the management aware of the need for permanent improvement in the safety of work and protection of the health of the workers, and clearly identified the scope of responsibility of the persons managing the workers as well as possible consequences of inaction.

4.1. Increased surveillance programme

In 2018 the third and last stage of long-term supervisory and inspection activities was implemented within the framework of the increased surveillance programme planned for years 2016-2018. In 2016 the increased surveillance covered 45 workplaces. The results of inspections carried out in years 2016-2018 indicate that the majority of entities showed an improvement in working conditions, in particular with regard to accident risks involving mechanical factors. This was mainly due to the adaptation of machines to the safety requirements defined by the regulations. Another indication of an improvement is the decreased number of decisions issued with regard to the correction of the identified deficiencies. Compared to the first year of the implementation of the programme it decreased by a factor of 2.5. The number of decisions with a clause of immediate enforceability, issued in the case of imminent threat to life or of assigning other work tasks to workers or other persons, fell by a factor of almost 2. **The number of decisions to stop operation of machines posing immediate threat to life or health decreased by a factor of as much as 8.**

There is a noticeable increase of the level of safety culture in the inspected workplaces covered by increased surveillance. Progress is visible, amongst others, in the maintaining of the operated machines and technical equipment in appropriate technical condition, the correct identification of hazards occurring at workstations, and the applying of appropriate preventive measures to eliminate the accident risks.

The inspection activities were also supported by preventive actions. The labour inspectors indicated to the employers the areas of highest risks and provided them with advice on how to organise and conduct work in a way ensuring higher safety standards. With regard to 40 workplaces where an improvement in

the safety conditions and work conditions was determined, increased surveillance was discontinued.

4.2. Prevention and inspection activities

The National Labour Inspectorate continued to take part in coordinated preventive and inspection activities together with the Inspectorate of Environmental Protection and the State Fire Service in chosen **workplaces belonging to the category of increased risk workplaces or high risk workplaces** in which there may be an immediate occurrence of life and health hazard or an environmental hazard. One of the stages of these actions was for the employers to perform a self-check (based on *Checklists* developed by the representatives of supervisory authorities and the industry) with regard to compliance with legal provisions, including safety procedures and systems adopted by the workplaces. The review happened during the inspection carried out by the National Labour Inspectorate, the Inspectorate of Environmental Protection and the State Fire Service, according to their respective competences.

The level of safety culture in inspected workplaces with a high or increased risk of a major industrial accident **is much higher than in other workplaces**. This results from the type of activity conducted (including the type and amount of hazardous substances present in the workplaces) which necessitates **management of process safety on a high level**. Therefore the activities of the inspection authorities focused on, inter alia, checking the on-site technical and organisational solutions crucial for safety management.

Versatile forms of surveillance and inspection continued in the **construction industry** which is still among the most accident prone. One lingering problem is the **lack of accountability of the investor with regard to work safety**, both in the designing stage and the construction process of the project.

A lack of knowledge concerning hazards and no sense of responsibility on the part of the majority of investors is still noticeable. They are not interested in safety during the construction process, the only thing that matters to them is the deadline and keeping the costs to a minimum. In such case transferring the responsibility for safety during the construction process to the contractors only cannot

efficiently eliminate the hazards. **The degree of the investor's engagement in the ensuring of safety at the construction site is directly proportionate to the level of that safety**. High standards and, consequently, low levels of accident occurrence can be witnessed at construction sites where the investor through their own OSH services cooperates in this regard with the contractors.

Intensive inspection and preventive activities which the NLI has been carrying out for years for the safety of Polish construction sites are definitively effective which is shown by the eradication of many hazards to the life and health of construction workers. However, the **lack of involvement on the part of some of the investors** both in the formation of appropriate worker behaviour (low level of OSH training) and in the organising of an effectively functioning OSH service (e.g. with regard to internal inspections and monitoring of the state of work safety) coupled with the present exodus of skilled and qualified workers from the labour market is a significant obstacle on the path to creating a safe work environment.

One of the positive developments is the tendency of the contractor companies to specialise in a specific type of work, which results in a higher safety level at the workstations and the possibility to invest a higher amount of resources in newer and better, and therefore – safer machines and technologies.

In order to ensure the expected level of safety in this industry, compliant with the regulatory obligations, the inspectors carried out so called **short inspections**, repeating them at the same construction site several times. This is a quick and effective way to eliminate immediate hazards to the life and health of the persons performing work at the construction sites. The inspectors' activities focused solely on the immediate hazards thus contributing to the limiting of accidents. The follow-up inspections which are carried out until the immediate hazards are permanently eliminated are a motivating factor for the entrepreneurs to increase their efforts to ensure the safety of their workers.

4.3. Inspections at industrial plants

Once again, targeted inspections were carried out, aiming at elimination of hazards to the life and health of workers employed at industrial plants in various industries. One of the most often inspected

technological processes was metal treatment and machining: removing, welding, forming, painting, applying coats by electroplating, and the processes of forming objects from non-metal materials, in particular plastic and wood. Subject to inspection were issues concerning the technical safety at work, i.e.: operation of machines, devices and installations with special focus on provision and application of technical solutions preventing access to hazardous components and the accuracy of the solutions adopted for transportation and storage.

The basic problem found during the inspections was the faulty **technical condition of the machines and devices**, mainly with regard to the lack of protective covers for moving components, deactivation of protective functions of the safety switches. Concerning work organisation, the most frequent finding was the lack of or failure to update safety instructions manual and instructions for carrying out works, running a technological process, operating machines and equipment, and storage. The labour inspectors questioned the quality of the documentation of occupational risk assessment prepared by the employers, pointing out failure to specify all the risks at workstations and to plan actions limiting those risks.

The reasons for the irregularities were varied, but only a part of them can be explained with the ignorance of legislation or its incorrect interpretation (e.g. cases of failing to adapt the protective covers for moving components and control systems of the machines to the obligations set out by the *Regulation on the Minimum OSH Requirements*, as well as not applying the specific provisions as regards factors harmful to health when preparing occupational risk assessment documents). **At the heart of the most serious cases of negligence lies failure to recognise or careless attitude to the hazards on the part of the employers and workers**, lack of appropriate supervision on the part of the persons managing the workers as well as persons performing the duties of the OSH service.

4.4. Inspections in woodworking companies, market surveillance

342 inspections were carried out in entities providing services related to forestry, including timber harvesting and log skidding. In recent years an increasing number of entrepreneurs has been pulling

back on timber harvesting with the use of petrol-driven chainsaws and adopting a fully mechanised process instead. **Larger forestry companies have been investing in professional machinery** and convert to machine timber harvesting with the use of multifunctional machines like harvesters and forwarders instead of alternative manual/mechanical logging technology and skidding with the use of an adapted agricultural combine harvester.

It seems like an inevitable development, mainly because of the lack of persons willing to take up the difficult, dangerous and poorly paid job of a woodcutter. There are also the increasingly frequent severe weather phenomena necessitating the prompt removal of damaged standing timber. What is important for the safety level of forestry work is the professional training of the woodsmen and maintaining surveillance over the workers by the employers and persons in charge.

Within the framework of market surveillance the labour inspectors inspected 1,600 products (machines, devices and personal protective equipment). Irregularities were found in 48% of cases. It must be noted, however, that the relatively high number of infringements was influenced by the results of the interventions undertaken in relation to received information on suspected defects in particular devices.

The most reservations related to various types of machines manufactured both in EU countries and brought from outside EU/EEA territory. There were fewer irregularities regarding the personal protection equipment, in particular protective footwear was inspected, in line with the major programme objectives.

Inspections carried out in 2018 confirmed the **varied levels of compliance with existing legislation with regard to essential safety requirements**. On the market there were both goods from producers with an established, solid brand which usually complied with all the requirements relating to design and construction, were appropriately labelled and have undergone the appropriate conformity assessment procedure, and faulty goods, with no appropriate documentation nor an instruction manual. This is a disturbing fact, especially in light of hazards posed to workers by such products despite their CE marking.

Amongst the causes of the found irregularities, first and foremost are **economic factors**. Some manufacturers and importers of goods are mostly

**RESULTS OF INSPECTIONS BY DIRECTIVES AND REGULATIONS
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

Directive/Regulation (EU)	Number of inspected goods	Percentage of goods reported as faulty	Number of goods reported as faulty
Directives 2014/29/EU, 2009/105/EC, 87/404/EEC Simple Pressure Vessels Directive (SPVD)	2	100%	2
Directive 89/686/EEC, Regulation (EU) 2016/425 on personal protective equipment PPE	402	24%	97
Directives 2009/142/EC, 90/396/EEC, Regulation (EU) 2016/426 on appliances burning gaseous fuels GAD	4	25%	1
Directives 2014/34/EU, 94/9/EC on equipment and protective systems intended for use in potentially explosive atmospheres ATEX	8	88%	7
Directives 2014/33/EU, 95/16/EC on lifts and safety components for lifts LIFT	1	100%	1
Directives 2014/68/EU, 97/23/EC on pressure equipment PED	32	69%	22
Directives 2006/42/EC, 98/37/EC on machinery MD	1 198	59%	706
Directive 2000/14/EC on the noise emission in the environment by equipment for use outdoors NOISE	6	83%	5
Directives 2014/35/EU, 2006/95/EC, 73/23/EEC on electrical equipment designed for use within certain voltage limits LVD	241	55%	133

interested in reducing production costs or foreign import expenses in order to make the maximum profit. On the other hand, the employers themselves are attempting to economise through purchasing cheaper machines, devices or personal protection equipment.

Other reasons for infringements must also be mentioned, including the ignorance of legislation or the ever changing technical standards. Furthermore, there is the problem of the varying interpretations of legislation or its selective application by economic entities. As a consequence, those entities do not fulfil all their obligations necessary to ensure the compliance of the goods with the essential requirements of the harmonisation legislation.

4.5. Employment of disabled persons

During inspections of the **employment conditions of disabled persons** the most recurrent infringements were with relation to: working time (mainly the unreliable working time record keeping), information on some employment conditions (usually

incorrect information with regard to the weekly working time standard was given – the workers were informed of average time applicable to them instead of the “rigid” daily and weekly working time), electrical measurements (no measurements of fire protection effectiveness), technical condition of machines and technical devices (no safety equipment or damaged control devices having a bearing on safety), working under exposure to harmful, dangerous or arduous factors, and occupational risk assessment.

No blatant violations were determined with regard to the adaptation of work rooms and facilities, sanitary areas and circulation areas to the needs of disabled persons. The inspected work rooms utilised by the employers (usually at their own premises) in general complied with the requirements regarding height, surface and cubic area (depending on the technology used, type of work performed, number of workers and the time they spend in the room). It must be highlighted that the shortcomings mainly resulted from the regular wear and tear of the facilities and rooms, the equipment inside, technical facilities in service, and not carrying

out regular maintenance and renovation, as well as lacking or incorrect labelling or securing of hazardous areas.

According to the employers, the precarious economic situation of the companies is not conducive to creation of new jobs within the framework of conducted activity, therefore some of them put investments on hold out of fear over the future of the company. There are also those employers who believe that the conditions at the workplace could never be the grounds for the withdrawal of the previously achieved status of a supported employment enterprise or vocational rehabilitation facility. By contrast, **employers whose disabled workers perform work at the premises of external clients** (both holding the supported employment enterprise and active on the open labour market) frequently felt **no obligation to ensure their workers had safe and healthy work conditions** (it mainly manifested through a lack of appropriate sanitary areas or sanitary areas not adapted to the needs of disabled persons). Those employers usually try to explain that it is the client who owns the facilities and lends them for the purposes of service provision. The employers have no desire to bear the costs of the adaptation of the facilities to the needs of their workers if the premises do not belong to them.

Another problematic area is the provisions of Art. 16 of the *Act on Professional and Social Rehabilitation and the Employment of Persons with Disabilities* which excludes **disabled workers employed at the post of a guard** from the employment of special (“rigid”) working time standards and allows the employers conducting other type of activity to switch from those norms to more flexible ones as outlined by the Labour Code. From determinations made during inspections it follows that in the inspected supported employment enterprises more than half of the disabled persons was employed as guards. At the same time, like in previous years, a large number of disabled workers not employed as guards, the majority of them with a significant or moderate degree of disability, held a permission issued by a doctor providing preventive medical care to be employed outside the binding working time standards stemming from special rights, including working overtime and at night. Workers employed at vocational rehabilitation facilities also held the a/m permissions issued by doctors providing preventive medical care.

The above legal situation constitutes **discrimination** of the a/m group of **disabled workers** in terms of protection of health because of the possibility to **extend their working time as far as to 24 hours and employing them for night shifts**. It must be noted that persons employed to guard premises, outdoor perimeters, including construction sites, have the duty to regularly and frequently go on rounds, which requires physical effort and is often related to exposure to unfavourable weather conditions (rain, snow, low or high temperature).

4.6. Work safety of temporary workers

Within the framework of participation in the SLIC European campaign, inspections were carried out with regard to the enforcement of legislation on **work safety of temporary agency workers**. The inspections covered employers-users with varying degrees of employment – from small companies employing several dozen workers to large enterprises which are branches of global corporations, usually in the industrial processing sector. There were irregularities in both groups, although **more irregularities and of greater gravity were found at the employers-users running small companies** with no extended structures which entrusted external experts with the tasks of OSH services. This led to inadequate safety assessment and not putting to practical use preventive measures adequate to meet the level of existing hazards. Those employers often operated imported machines and devices bought on the secondary market, often manufactured before the introduction of the legislation on systems of conformity assessment in the European Union.

The results of the inspections indicate that the irregularities found at the employers-users depend on the level of cooperation between the temporary work agency and the employer-user to a very small degree. They are rather a reflection of the general level of safety culture at those enterprises. The causes of the irregularities most often found in the inspected temporary work agencies were: **not informing the workers in writing**, before the conclusion of an employment contract, **of the conditions of temporary work with regard to occupational safety and health**, the agency focusing on informing the workers about the conditions of employment within

the scope of remuneration and other circumstances of performing temporary work, and the presumption that it would suffice to inform the workers of conditions of occupational safety and health during the initial training. This may have been partly due to the incomplete knowledge of the provisions of the *Act on the Employment of Temporary Workers*.

The inspections carried out by the National Labour Inspectorate also allowed to indicate good practices amongst which are: providing the agency with a copy of the documentation on occupational risk assessment prepared by the employer-user, visitations of the work stations which were used also by the temporary agency workers performed by an occupational doctor providing preventive medical care, as well as the inclusion of a clause in the agreement concluded between the agency and the employer-user pursuant to which the agency shall have the right to inspect whether the conditions of performing temporary work at the employer-user's premises are compliant with the provisions regarding OSH and whether the employer-user adequately performs the duties of an employer to the extent set out by the contract.

In the light of the presented results of the supervisory and inspection activities of the National Labour Inspectorate with regard to occupational safety and health the following actions should be considered as substantiated:

- continuation of intensive actions in industries and companies where there is a high risk of loss of life or damage to health, where the severity of occupational hazards is at a particularly high level;
- motivating employers and entrepreneurs from small and medium-sized companies, especially during inspection, to become effectively involved in the matters of general work organisation (i.e. the preparation of workers for work) and planning the safety and health protection, as well as effective supervision of work stations;
- implementation of legislative proposals outlined by the National Labour Inspectorate serving the reinforcing of the legal protection of the life and health of workers.

V. LEGAL PROTECTION OF LABOUR

The National Labour Inspectorate is responsible for supervision and inspection in the **wide spectrum**

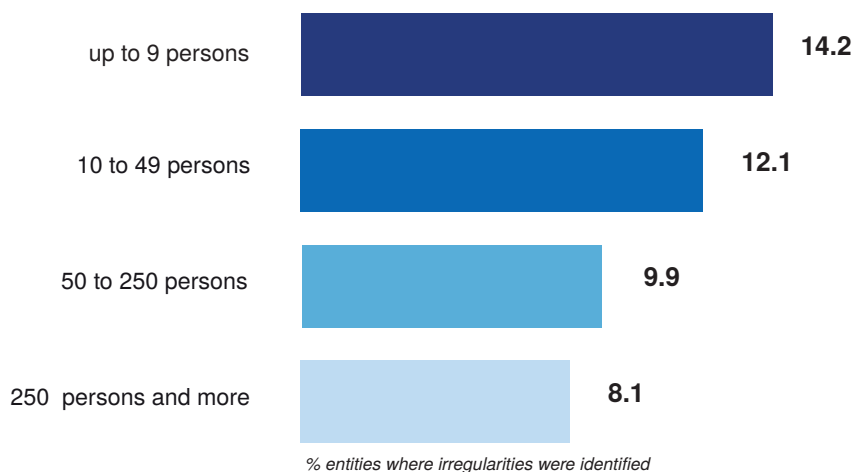
of areas, some of which do not enter in the scope of the definition of the labour law (e.g. inspection of payment of the minimum hourly wage to individuals performing work on the basis of contracts of mandate and contracts for provision of services, inspection of driving time, stoppage time, obligatory breaks and rest periods of drivers, or – as of March 2018 – inspection of compliance with the provisions of the *Act on Limiting Retail Trade on Sundays, Holidays and Some Other Days*, as regards engaging a person employed on the basis of a civil-law contract to work in trade or to perform trade-related activities in a retail facility). Execution of these tasks significantly affected the scope and effectiveness of the National Labour Inspectorate's activities in other areas directly related to the legal protection of labour. In the case of the new tasks, apart from conducting inspection activities, it was necessary to develop new methodological solutions, train employees and make organizational changes enabling efficient fulfillment of duties.

It should also be pointed out that execution of new duties coincided with the increased social demand for the main activities of the NLI.

An increase in the number of complaints lodged with the labour inspectorate has yet another time been reported. The majority of complaints concerned payment of salaries and other employee benefits. Problems reported in this area reflected the tendencies observed also in the outcomes of other inspections – **the irregularities related to the payment of benefits resulting from an employment relationship continue to be substantial** (e.g. one in eight inspected employers were found not to pay remuneration in due time). There is also an important relationship to be borne in mind between the extent to which working time duties are fulfilled and the infringement of regulations on payment of employee benefits. Failure to recognize the actual working hours in a 24-hour period or the work performed on days off, as per an average 5-day working week, or on Sundays and holidays leads to non-payment or underpayment of remuneration and due bonuses, as well as incorrect calculation of earnings-related contributions.

Lack of **working time records** or lack of due diligence in keeping them was found in one in four entities. This is very often a deliberate action taken to reduce expenses on salaries and social insurance

**COMPLIANCE WITH PROHIBITION TO CONCLUDE CIVIL LAW CONTRACTS
IN SITUATIONS INDICATIVE OF AN EMPLOYMENT RELATIONSHIP -
% OF ENTITIES (BY EMPLOYMENT RATE), WHERE IRREGULARITIES WERE IDENTIFIED**



contributions. On the other hand, it is an alarmingly frequent practice among employees to allow this kind of conduct, which enables them to receive a part of their remuneration off the official payroll.

Employers relatively seldom benefit from the possibility to introduce flexible working time organisation solutions, such as variable working hours or individual work schedules, which would enable planning and settlement of working time in compliance with legal regulations as well as elimination of irregularities, e.g. as regards an average 5-day working week.

Infringements of working time regulations often stem from the insufficient number of employees capable of carrying out all the tasks without the need to work extra hours. Employers have difficulties with recruiting qualified workers, which leaves them with a choice between keeping their clients, maintaining their position in the market and the company's profit on one hand and violating working time regulations on the other.

This is, among others, why irregularities identified during inspections are very often the consequence of deliberate actions of employers; however, they can also be attributed to the lack of knowledge or understanding of legal provisions.

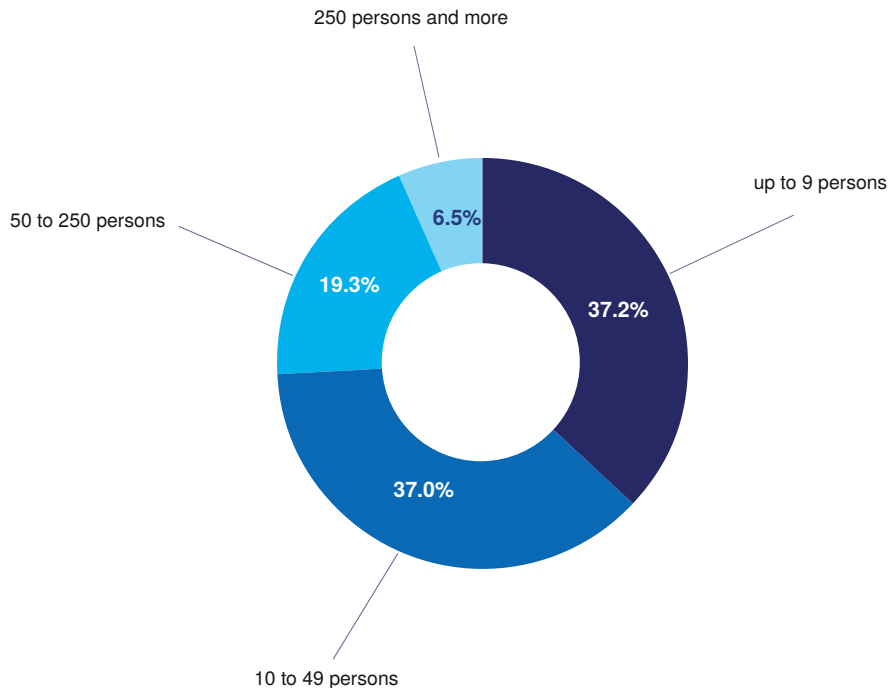
Significant irregularities are also identified in relation to **civil law contracts**. As compared to 2017, there was a slightly smaller proportion of inspections revealing civil law contracts concluded in situations indicative of an employment relationship (11.4% as compared to 13.2% in 2017).

Civil law contracts remain an alternative to employment contracts for a trial period (employers frequently use civil law contracts to test potential employees and if the trial proves unsuccessful, they can quickly and easily end the cooperation, free of any expenses); however, using this type of contracts has become less attractive for employers following the entry into force of the regulations on the minimum hourly wage for individuals working on the basis of a contract of mandate or a contract for provision of services.

It should, nevertheless, be noted that the amount of irregularities regarding the implementation of the *Act on Minimum Remuneration*, related to payment of the **minimum hourly wage**, is substantial – they were identified in more than 27% of inspections.

The repetitive character of the most frequently identified irregularities, and their causes, occurring in the last several years, proves the relevance of **legislative motions**, lodged on multiple occasions,

**COMPLIANCE WITH REGULATIONS WITH REGARD TO FIXED TERM CONTRACTS
- STRUCTURE OF INSPECTIONS (BY EMPLOYMENT RATE)**



aiming to eliminate doubts in interpretation which make it difficult for employers to comply with the rules and regulations and prevent labour inspectors from achieving a lasting improvement of the rule of law.

VI. LEGALITY OF EMPLOYMENT

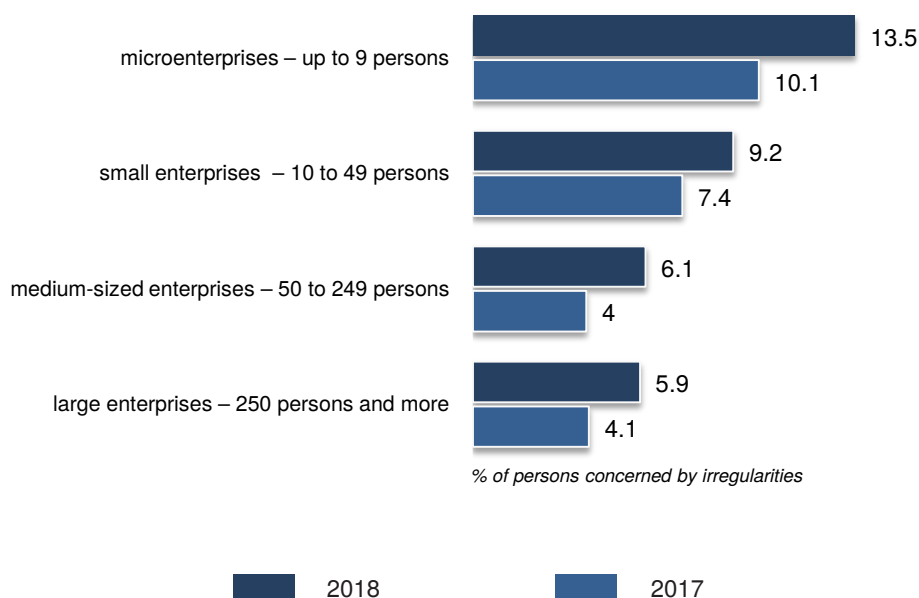
Undeclared work is a diverse phenomenon, depending on various factors, e.g. level of industrialization of a given region, but also on the time of year – in the summer season the number of cases of illegal employment particularly increases in seaside regions whereas in the winter season there is surge of these cases in the mountain region.

In 2018, owing to a decreased unemployment rate and deficiencies in work force, employers were more likely to offer jobs on the basis of employment contracts to candidates for vacancies and take measures aimed at encouraging workers to take up employment in a given entity or to remain in a given workplace (e.g. offering higher salaries or additional social benefits).

Despite these positive trends, labour inspectors continued to encounter negative patterns, including various activities to hinder the conducting of the inspection, such as:

- failure to register an economic activity;
- registering economic activity at a fictitious address (“virtual offices”) or at an address where nobody is staying;
- avoiding contact with a labour inspector – in particular, refusing to collect correspondence sent to the address of the company seat, failure to appear within a specified deadline or appearing without required documents or with only some of the documents;
- failure to provide documents demanded by a labour inspector – it is common practice to keep employee documentation not at the company seat but in an accounting office, which gives the inspected entity the possibility to benefit from a delay or a postponement of the inspection and in some cases even to draw up appropriate documentation, including

ILLEGAL EMPLOYMENT OR OTHER ILLEGAL GAINFUL ACTIVITIES
– ENTITIES BY EMPLOYMENT RATE



signing contracts with persons working for the company retroactively;

- illegal workers fleeing from the place of work, e.g. working on construction sites, performing renovation works;
- workers refusing to provide their personal data or providing false data;
- employers giving instructions to workers about the contents of any statements and explanations to be provided in case of an inspection.

The problems described above result from the fact that illegal work in Poland **is not socially stigmatized**. A large segment of the society – both employers and employees – consider undeclared work to be normal. Because of a specific “conspiracy” between entities employing illegally and individuals who perform this kind of work, it is practically impossible for an inspection body to obtain a witness’s testimony to serve as evidence. Neither of the parties is willing to testify in an undeclared work case and even if they do testify, they claim to have no memory of the facts.

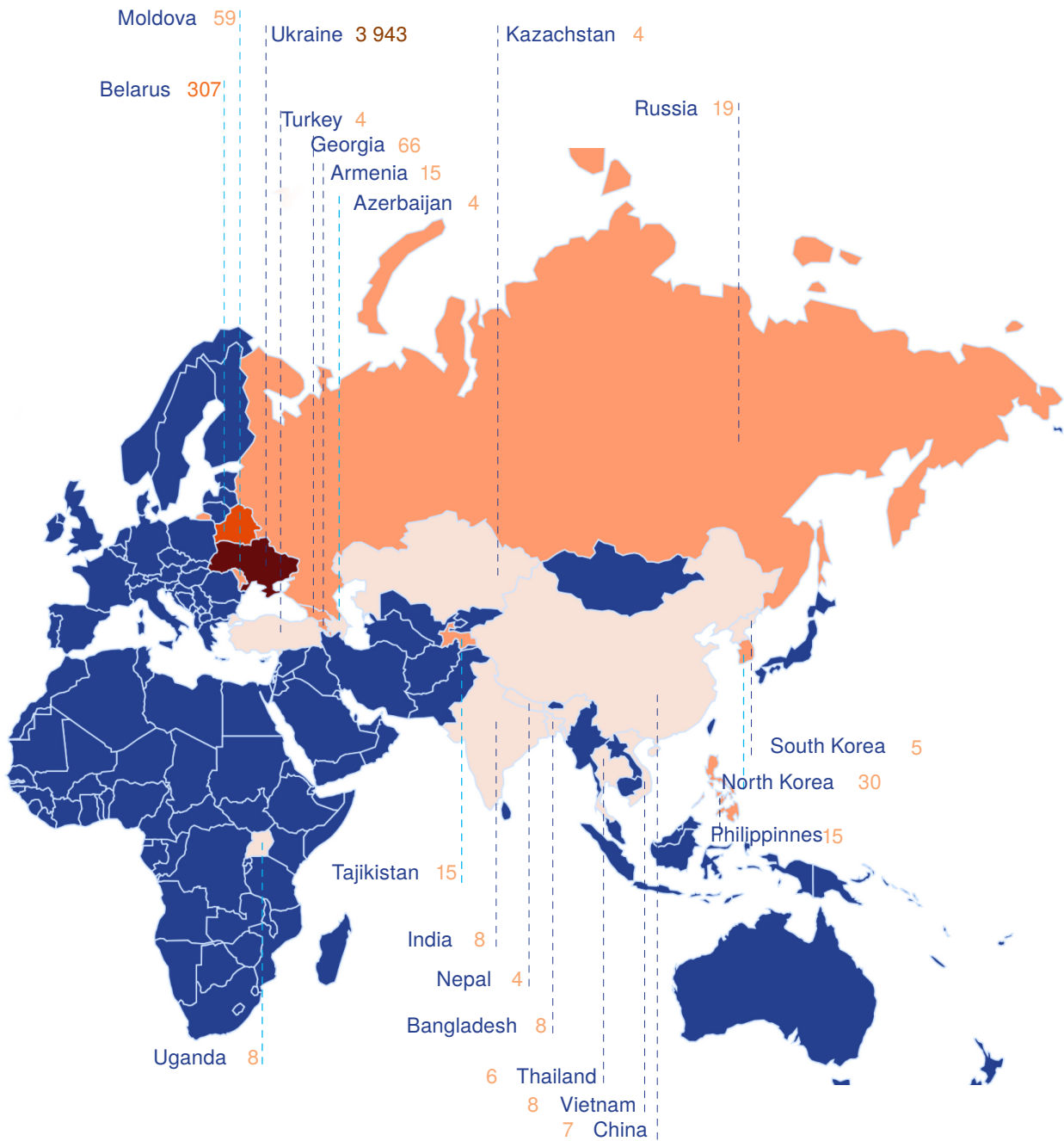
Employers’ intention is to **reduce the cost of labour**. In the case of illegal employment, entities are able to eliminate statutory charges (taxes, social insurance contributions, etc.), benefits paid to

employees while they do not perform work (sick pay, remuneration for paid leave, severance pay) and to lay off an employee with immediate effect without a notice period.

Individuals deciding to perform illegal work are often motivated by their personal situation. Some of them **are not interested in legal employment**, often in order to conceal their actual earnings if, for instance, the possibility to obtain social benefits depends on them (e.g. single mothers, disabled persons, etc.). Similar motivation can be found among persons involved in bailiff or maintenance garnishment proceedings. Moreover, it is increasingly common for **young people – students and pupils** to be willing to take up illegal work, as they attach less importance to the legal basis of employment and are eager to receive as much “cash in hand” as possible.

Foreigners performing work in the territory of Poland are still mostly Ukrainian nationals. Therefore, a large number of foreigners work on the basis of statements on entrusting work to a foreigner, i.e. in the framework of the so-called simplified procedure. As of 1 January 2018, **new legal regulations** pertaining to this procedure have been introduced – in particular, legal provisions on work performed by foreigners have been deemed equivalent to an act of legislature,

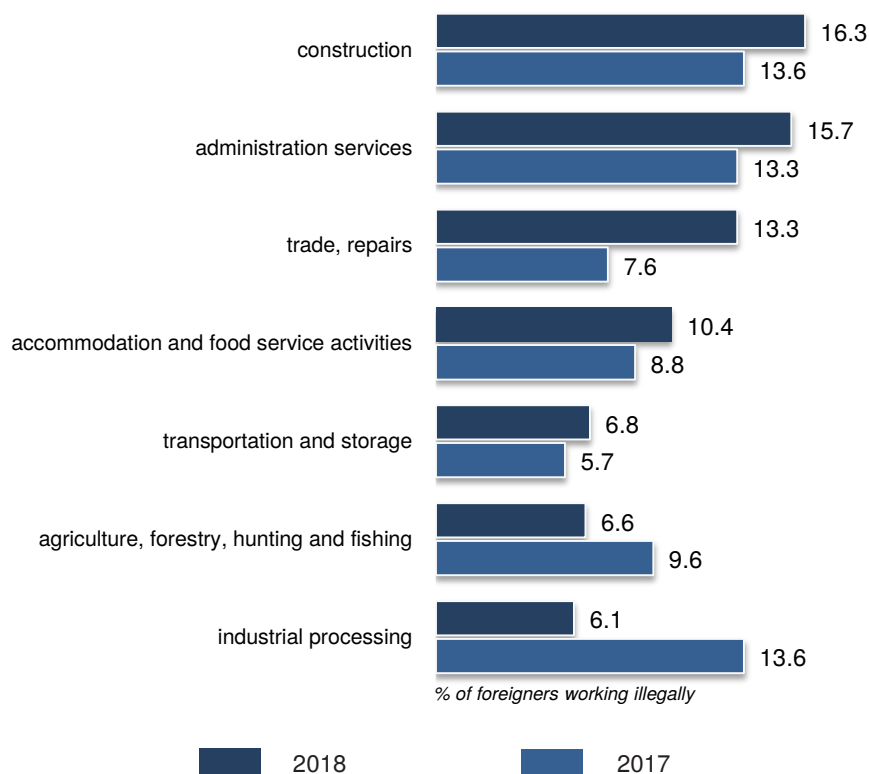
NUMBER OF FOREIGNERS WORKING ILLEGALLY IN 2018 - BY CITIZENSHIP



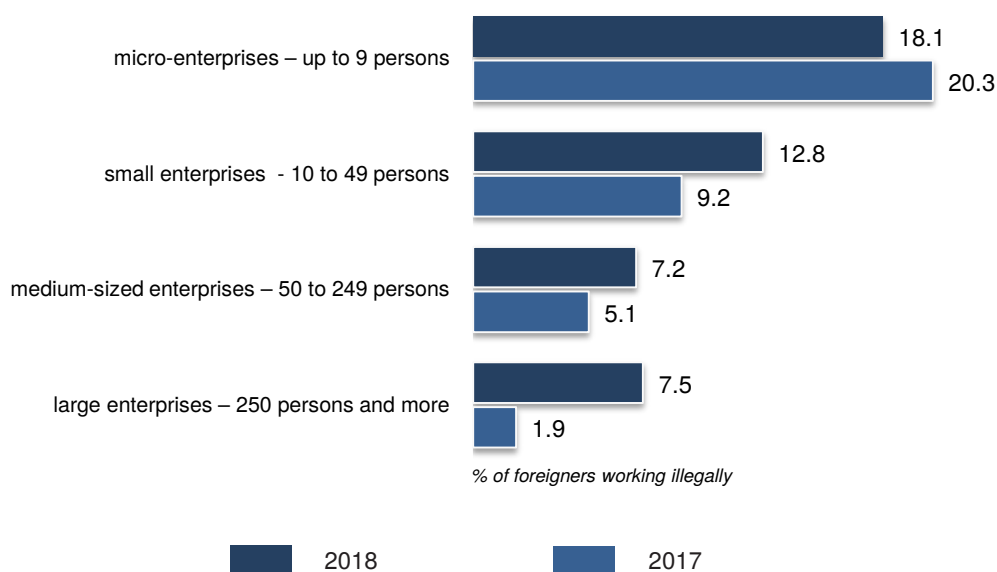
Other foreigners – 27 persons from of 19 countries



PERCENTAGE OF FOREIGNERS WORKING ILLEGALLY IN 2017-2018
– BY SELECTED SECTORS OF NATIONAL ECONOMY



PERCENTAGE OF FOREIGNERS WORKING ILLEGALLY IN 2017-2018
– BY EMPLOYMENT RATE



an entity submitting the statement has been obliged to notify the competent local employment office of whether the foreigner has or has not taken up the job, and a general system monitoring the simplified procedure has been put in place, among others to keep track of the number of statements and the periods of performance of work by foreigners on the basis of these documents. **These changes have been introduced following largely prior requests made on several occasions by the National Labour Inspectorate.** It has been found so far that these changes have helped to prevent to a large extent the irregularities reported by the NLI, linked with the incorrect use of the simplified procedure.

The inspections confirmed an increased tendency, occurring for many years, to **entrust work to foreigners on the basis of civil law contracts.** This applies mostly to foreign nationals for whom statements on entrusting work to a foreigner have been issued. The dynamic growth of this trend mostly results from the possibility to use more flexible working time organization in the case of persons working on the basis of the civil law contracts than in the framework of an employment relationship, as well as from the lack of obligation to pay remuneration for overtime work and easier contract termination. It is worth noting that entrepreneurs concluding civil law contracts with foreigners often require them to make statements to confirm that this legal basis of work performance is suitable for them in order to prove that both parties have jointly agreed to conclude a civil law contract.

Irregularities identified during inspection mostly concerned foreigners with statements who performed work on the basis of civil law contracts. They included e.g. failure to ensure to the foreigner the number of working hours specified in the statement, which resulted in them receiving decreased remuneration. There were also cases of illegal performance of work by foreigners who had applied for temporary residence and work permits. While waiting for the permits to be issued, some of them were working without the required work permit after the expiry of the period when performance of work on the basis of the statement is allowed (6 months in the period of consecutive 12 months).

Employers fail to comply with the conditions of work and pay stipulated in work permits, temporary residence and work permits or statements mainly

for economical and financial reasons. For instance, depending on their needs, they entrust various kinds of jobs to foreigners, including those which were not specified in the above-mentioned documents. Such changes usually take place without informing the governor of the province or submitting a new statement at the local employment office. Foreigners who do not accept the conditions offered by the employing entity usually need to resign from the job and seek a new employer, which is a disadvantage for them given the fact that they decide to migrate mainly in order to obtain the highest possible earnings.

The National Labour Inspectorate continues to detect companies in the Polish labour market operating as so-called **virtual offices**, set up mostly by Ukrainian nationals. In most cases it is not possible to conduct an inspection or, consequently, to efficiently fight against illegal engaging of foreigners by these entities. This is a major problem as these companies lodge a considerable number of statements with local employment offices or apply for work permits for many foreigners who are then frequently sent to work all across Poland and abroad.

Year 2018 saw the rise of **a new form** of foreigners' labour with the use of various online applications. In this model one can hardly find a typical relationship between an entity entrusting work and a foreigner. The relationship between the parties resembles more a situation where orders are carried out in the framework of the conducted economic activity. Companies offering jobs to foreigners via online applications claim that they only conclude with them contracts for equipment rental or application sharing which does not mean that foreigners are employed by these entities. A complicated financial settlement system resulting from these contracts may lead to a situation where foreigners do not receive their due remuneration or where it is subject to financial penalties.

Additionally, we have found that art. 5(1) of the *Act of 6 March 2018 Entrepreneurs' Law* – according to which a form of activity generating income which does not exceed 50% of the minimum wage in any month shall not be considered economic activity – allows foreigners working in the territory of Poland to **circumvent regulations** concerning the obligation to have a work permit.

Inspection outcomes indicate that irregularities as regards employment legality – in case of both Polish

and foreign nationals – have remained for years on the same level. The National Labour Inspectorate **is unable to eliminate the causes of illegal employment and, consequently, to substantially reduce its scale.** In particular, sanctions imposed by labour inspectors on entities entrusting illegal work are not dissuasive enough to prevent them from violating the law. In order for the situation to change, comprehensive solutions are required – to limit the possibilities to perform illegal work on the one hand and to support entities employing workers legally on the other (e.g. by reducing statutory charges). Irrespective of the solutions aimed at eliminating undeclared work, inspection bodies should be equipped with tools allowing them to effectively fight with this kind of abuse, especially through harsher sanctions for employing workers in violation of the existing regulations.

VII. NLI AS A LIAISON OFFICE

The National Labour Inspectorate (Chief Labour Inspectorate) is one of the Polish **liaison offices**, i.e. institutions obliged to communicate directly with their counterparts in the countries of the European Union (EU), the European Economic Area (EEA) and the Swiss Confederation. The National Labour Inspectorate is also the competent authority as per the *Act of 10 June 2016 on the Posting of Workers in the Framework of the Provision of Services*, i.e. the authority responsible in the territory of the Republic of Poland for providing information about the regulations on the posting of workers and for cooperation with its counterparts in other Member States as regards monitoring of compliance with these regulations. The NLI cooperates with competent foreign institutions and authorities in EU/EEA Member States exchanging information in this regard.

Complaints and information on irregularities received by the National Labour Inspectorate are the target of cooperation with our counterparts in other UE/EEA Member States conducted, among others, on the basis of the NLI's bilateral agreements on cooperation and information exchange.

In 2018, information exchange between the National Labour Inspectorate and the competent authorities in other Member States covered **572 cases** (in 2017 – 466 cases, in 2016 – 276 cases). Altogether,

the NLI cooperated with 19 countries, including 18 EU Member States and Norway. The most extensive information exchange was conducted with **Belgium, France, Austria, Denmark and the Czech Republic.**

In 32 cases, the party initiating the cooperation was the National Labour Inspectorate who sent requests for relevant actions to competent authorities in, among others, **Germany, Belgium and the Netherlands.** In most cases the cooperation followed a suspected violation of the law by Polish employers posting workers to the territory of these countries or information on irregularities in the activities of foreign employers to the detriment of Polish citizens employed in these companies (in cases not related to posting).

VIII. DOMESTIC COOPERATION

An important area of the statutory tasks of the National Labour Inspectorate carried out in 2018 was a widespread cooperation with public administration bodies, authorities responsible for supervision and inspection of working conditions, institutions involved in labour protection as well as scientific and research institutes. The cooperation aimed at solving current labour protection issues and improving information channels used by authorities and institutions. The tasks carried out in the framework of this cooperation stemmed from the work programme of the National Labour Inspectorate, as well as from the recommendations and conclusions presented in the Parliament of the Republic of Poland, during meetings of the Labour Protection Council and the parliamentary committees (especially the Committee for State Supervision).

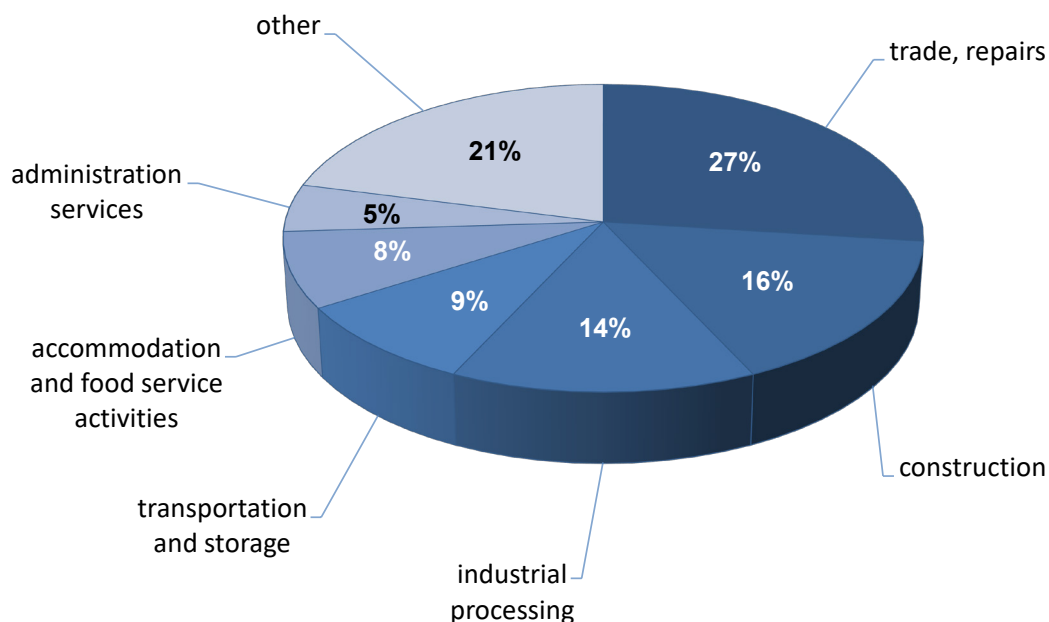
As in the previous years, a crucial element of this cooperation were social partners, i.e. trade unions and employers' organisations.

The National Labour Inspectorate sent 15.5 thousand **notifications** on inspection results to competent bodies and authorities. Moreover, 3.5 thousand inspections were conducted **upon request** of other stakeholders and 648 **joint** inspections were conducted with other authorities.

IX. FIRST INSPECTION STRATEGY

In 2018 the first inspection strategy covered microenterprises (1-9 employees) and small

 STRUCTURE OF FIRST INSPECTIONS – BY SECTORS OF NATIONAL ECONOMY



enterprises (10-49 employees) operating in the market for up to 5 years and which had not yet been inspected.

The purpose of the first inspection is mainly to provide instructions and advice. Labour inspectors draw employers' attention to any irregularities in the area of the labour law, including OSH, as well as legality of employment, conduct a legal and technical analysis of these irregularities and apply legal measures (decisions, improvement notices, verbal instructions) as provided for in *the Act on the National Labour Inspectorate*. The employer is given time to eliminate the irregularities but sanctions are not imposed as long as the inspection does not reveal any blatant violation of OSH rules, especially an immediate threat to health or life of workers. If an inspection concerns a serious, fatal or collective accident at work, illegal employment or serious violation of provisions on legal protection of labour, labour inspectors apply appropriate legal measures depending on the degree of the violation.

Labour inspectors conducted over 7.5 thousand first inspections – mostly in companies operating, according to the Polish Classification of Business (PKD), in the area of trade and repairs (27%), construction (16%) and industrial processing (14%). The prevailing group was micro-companies (74%).

The inspected entities employed in total over 78 thousand people.

As in the previous years, an average of 12 different irregularities were identified in almost every entity inspected for the first time. Considering the fact that the inspections were mainly conducted in small companies employing on average 10 people, this gives an idea of the level of problems with labour law compliance.

Due to particularly blatant violations of the law, one in six first inspections resulted in issuing a penalty notice, addressing a request for punishment to a court or informing the prosecutor's office. In case of nearly 21% of employers labour inspectors decided that disciplinary measures were sufficient (admonition, warning, rebuke).

The first inspection strategy includes the so-called follow-up inspections, which are conducted to evaluate the implementation of the previously applied legal measures and the usefulness of the instructions and advice.

As many as 40% out of 1.7 thousand follow-up inspections conducted in 2018 showed that the improvement achieved was long-lasting and satisfactory and that no further intervention of labour inspectors was necessary. In the remaining 60%

of cases inspections revealed irregularities and resulted in issuing legal measures such as decisions, instructions in improvement notices or verbal instructions. Nevertheless, it should be emphasized that every follow-up inspection revealed an average of only 2 irregularities (12 on average during the first inspection).

Auditing and advisory inspections favour improvement of the level of compliance with legal regulations. Better results of inspections can be achieved in companies where irregularities are the consequence of, for instance, the lack of knowledge or mistakes of employers. In these situations employers are glad to be able to benefit from expert advice and appreciate the focus on auditing.

X. PREVENTION AND PROMOTION PRIORITIES

The National Labour Inspectorate places a high priority on prevention and promotion activities which serve the purpose of supporting employers in the process of creating a safe work environment, i.e. eliminating or reducing accident risks and respecting the law. These initiatives are complementary to the supervision and inspection activities aimed at effectively enforcing the labour law, including

occupational safety and health regulations, as well as provisions on legality of employment.

Preventive activities bring very good results and change employers and workers' attitudes to labour protection issues. They also make an excellent addition to inspections as the variety of informational and educational tools developed by the NLI offers a synergy effect for efficient enforcement of the labour law and ensuring safe conditions in a workplace.

In view of the above, it is essential to continue projects, programmes and campaigns which are already well known and popular among employers who are thus all the more eager to cooperate with the NLI. Year 2018 saw the continuation of, among others, the programme “**Accident Prevention**” developed to reduce accident risks in small enterprises. In the reporting year, voluntary training sessions organized in the framework of the programme were attended by representatives of 622 companies.

The most recognisable among the NLI's initiatives invariably is the programme “**Obtain the NLI diploma**”, dedicated to micro-companies and drawing many employers year after year. The programme works particularly well together the topic “First Inspection”, based on feedback mechanisms,

NLI FREE PUBLICATIONS



and receives a positive response from its target group. In case of programmes such as: “**Counteracting negative effects of stress in a workplace**” and “**Construction site. STOP accidents!**”, the National Labour Inspectorate continues to expand its educational offer having in mind the relevance of the issues that they address.

The labour inspectorate is also consistently involved in **preventive programmes addressed to adolescents** who will soon start their professional activity. One of the most important among them is the programme “Safety culture” where in the reporting year we were able to ensure cooperation with **784 educational facilities** and receive the support of over 2.2 thousand teachers.

In response to irregularities identified during inspections in the field of the legality of employment of Polish and foreign nationals, the NLI launched the campaign “**I work legally**”. It is targeted at employers and workers, including Ukrainian nationals who work in Poland. The campaign will continue in 2019.

Another initiative to be continued in 2019 is the educational and informational programme “**Working time of drivers and road accidents**”. It is focused on preventing accident risks and ensuring compliance with applicable regulations. Activities in the programme are dedicated to entrepreneurs who run transport companies, and professional drivers, including those conducting their own economic activity. Aids prepared for the programme also include foreign language materials.

An excellent response, backed up by measurable results, was received by a three-year campaign, finished in 2018, “**Turn on safety in wood working**”. The National Labour Inspectorate will conduct another prevention and inspection campaign, building on its previous experience, this time aimed at the meat processing sector.

XI. INTERNATIONAL COOPERATION

In the face of constant changes in the labour market, the National Labour Inspectorate gives prominence to an active **international cooperation**, intended as much to share our own achievements as to learn from the valuable experience of our foreign partners. This keeps our institution, having a one

hundred years tradition, open to new phenomena and prepared for new challenges.

11.1. Senior Labour Inspectors’ Committee (SLIC)

In 2018 the Polish labour inspectorate fulfilled its obligations resulting from the membership in the Senior Labour Inspectors’ Committee (SLIC) mainly by attending both its plenary sessions. **In Bulgaria** the focus was on targeting inspection activities and the examples presented during the meeting included: planning inspection activities on the basis of available information sources and risk factors; problem-oriented campaigns (e.g. safety while using vehicles at work); programmes covering selected economy sectors (e.g. construction, agriculture). During the plenary session documents prepared by SLIC Working Groups were adopted, i.e. non-binding principles for labour inspectors on diversity sensitive risk assessment and the guide on using portable ladders. The participants discussed ongoing initiatives of SLIC, e.g. the European **campaign on occupational safety and health of temporary agency workers**, and agreed on the topic for the new SLIC campaign, scheduled for years 2020-2022, which will focus on musculoskeletal disorders.

The thematic conference during the SLIC meeting **in Austria** was held under the title “**Carcinogens: old and new challenges in the workplace**”. The activities presented during the conference included: the Austrian information **campaign** on carcinogens, the Finnish Register of Workers Exposed to Carcinogens, and the use of safety data sheets and other REACH (Registration, Authorisation and Restriction of Chemicals) instruments in the Netherlands to improve OSH. The workshop part of the conference concerned the problem of crystalline silica, the issue of how to deal with welding fumes and the use of substitutions. During the plenary session, the Polish delegation confirmed our intention to coordinate the future SLIC campaign focused on prevention of musculoskeletal disorders.

The Polish labour inspectorate also took part in the European SLIC 2017-2019 campaign “**Safety and health of temporary agency workers and cross-border workers**”. The topic of the campaign was selected by SLIC due to a rapid increase in employment rates in temporary work agencies in the last decade

and a high work accident rate in this sector. The main areas covered by the campaign included: agriculture, cleaning services, construction, food manufacturing, health care, HoReCa, metal industry, transport and logistics. Information and inspection activities were conducted in temporary work agencies and in user undertakings. A website promoting the campaign and the national labour inspectorates' activities was launched and *Checklists* were prepared to ensure a single approach and to provide coherent guidelines to labour inspectors from the Member States. At the same time, the pilot experience on cross-border workers was underway, aimed at optimizing the results of work of joint inspection teams. Poland participated in the cross-border experience by exchanging information via the Internal Market Information (IMI) system.

11.2. Committee of Experts on Posting of Workers

The NLI continued its activities resulting from our institution's membership in the Committee of Experts on Posting of Workers. During two meetings held in the first half of 2018 the participants discussed the process, which was underway at that time, of amending Directive 96/71/EC on the posting of workers. The Committee meetings served as the forum to present national perspectives and to compare points of view of various EU bodies participating in the negotiations of the proposal for a Directive amending Directive 96/71. Other issues in the agenda concerned official national websites on the posting of workers, outcomes of the European survey on letter-box companies and reports on A1 forms issued in the previous years.

11.3. European Platform Tackling Undeclared Work

Experts from the National Labour Inspectorate also participated in the activities of the European Platform Tackling Undeclared Work – a body under the European Commission which supports EU Member States in their efforts to eliminate the practice of entrusting and performing work in the grey area. In the reporting year, representatives of the NLI took part in several events organized by the Platform – two of them (in Stockholm and Vilnius) were held to review the activities in the area of information tools and strategies

aimed at reaching workers and employers. The purpose of the thematic workshop in Madrid, focused on risk assessment in tackling illegal employment, was to exchange knowledge and experience on the best methods and procedures used for risk assessment, which may enhance effectiveness and ensure better targeting of inspection activities. The seminary held in Brussels, with the participation of the NLI, was focused on tools and methods of dealing with undeclared work in the sector of road transport.

11.4. Other projects

In 2018 the NLI continued its cooperation with foreign labour protection institutions with which it had concluded bilateral agreements, and enhanced its international activity related to the inflow of foreign workers to the Polish labour market. The institution actively supported our partners' activities undertaken with the purpose of ensuring safe and decent working conditions to Polish workers.

The National Labour Inspectorate joined the preparations for the implementation of the international project coordinated by the National Institute for Employment, Labour and Professional Training in France, under the name “**Boosting transnational cooperation on posting of workers**”, scheduled for years 2019-2020. The project features various forms of cooperation: joint inspections, informational seminars for employers and representatives of fiscal and social security administrations, creating information materials for workers, working meeting of specialists operating in the field (including IMI users).

Moreover, our institution began preliminary activities with a view to implementing the predefined project as part of the “**Decent Work**” programme, financed from the EEA and Norway Grants in the framework of the Norwegian Financial Mechanism.

The NLI's involvement in international initiatives evolves with the changes in the Polish and global labour market. In 2018, our experts exhibited a sustained activity in the field of legality of employment and tackling of undeclared work and human trafficking. Initiatives dealing with these problems received expert and financial support of the European Commission

which sought to facilitate cooperation and information exchange between the Member States. Due to a considerable number of Polish posted workers, foreign partners were encouraged to enhance their cooperation with the NLI in the form of information

exchange. On the other hand, the increasing number of foreigners working in Poland was an impulse for our institution to introduce new solutions and efficient inspection tools.

Attachment 1

STATISTICAL DATA ON THE NATIONAL LABOUR INSPECTORATE'S ACTIVITY IN 2018 – INSPECTIONS AND LEGAL MEASURES
(by District Labour Inspectorates)

Specification	NUMBER OF:												
	inspections	inspections including:				decisions				decisions ordering to cease economic activity ²⁾	improvement notices ³⁾	instructions in improvement notices	verbal instructions ⁴⁾
		total ¹⁾	those ordering to stop work activities	those ordering to transfer workers to other tasks	those ordering to stop operation of machine	those ordering to pay financial benefits	6	7	8				
1	2	3	4	5	6	7	8	9	10	11	12		
TOTAL, including:	80 194	264 131	5 857	2 841	8 785	5 854	11	50 823	247 333	13 715			
1. Białystok	3 362	13 896	254	158	460	91		2 283	12 421	468			
2. Bydgoszcz	4 373	13 718	290	83	477	250		2 542	11 220	1 115			
3. Gdańsk	5 131	10 106	100	90	202	284		3 001	14 672	807			
4. Katowice	9 332	37 510	734	345	845	1 159		7 215	37 381	2 085			
5. Kielce	2 961	10 571	247	145	286	137	3	1 801	8 742	619			
6. Kraków	5 056	20 252	724	245	623	404	2	3 646	18 699	1 400			
7. Lublin	4 226	15 587	511	204	629	578		2 783	13 038	768			
8. Łódź	5 861	19 529	356	172	803	345	1	3 542	16 885	1 059			
9. Olsztyn	3 423	9 861	204	139	526	126	2	1 866	7 263	356			
10. Opole	2 723	9 299	199	59	233	239		1 739	8 993	767			
11. Poznań	7 141	34 310	621	383	1 041	733	1	4 829	26 058	1 732			
12. Rzeszów	4 711	17 164	277	215	705	275		2 883	14 905	392			
13. Szczecin	3 847	11 220	255	93	589	238		2 402	12 249	467			
14. Warszawa	7 993	16 346	567	110	310	646		4 813	20 894	405			
15. Wrocław	7 495	17 147	335	272	457	293		4 008	18 069	823			
16. Zielona Góra	2 559	7 615	183	128	599	56	2	1 470	5 844	452			

1) total number of decisions issued by labour inspectors by virtue of art. 11 points 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 point 5 of the "Act on NLI";

3) total number of improvement notices issued by labour inspectors by virtue of art. 11 point 8 of the "Act on NLI";

4) total number of verbal instructions issued by labour inspectors by virtue of art. 11 point 8 of the "Act on NLI".

Attachment 2

STATISTICAL DATA ON THE NATIONAL LABOUR INSPECTORATE'S ACTIVITY IN 2018
– OFFENCES AND CRIMES AGAINST THE RIGHTS OF PERSONS PERFORMING PAID WORK
(by District Labour Inspectorates)

Specification	NUMBER OF:									
	identified offences			applied legal measures			notifications of the suspicion of crimes sent to prosecutors' offices			
	total	those penalised with penalty tickets	including: those mentioned in penalty requests filed with courts	those covered with disciplinary measures	imposed penalty tickets	penalty requests filed with courts	applied disciplinary measures			
1	2	3	4	5	6	7	8	9	10	
TOTAL, including:	60 751	31 079	7 781	21 891	14 807	2 564	13 906	726		
1. Białystok	2 438	1 536	154	748	627	58	435	29		
2. Bydgoszcz	2 844	1 578	282	984	702	108	559	44		
3. Gdańsk	4 174	1 731	937	1 506	736	235	932	40		
4. Katowice	5 777	3 241	688	1 848	1 674	246	1 309	101		
5. Kielce	2 236	1 335	272	629	505	88	369	33		
6. Kraków	3 541	1 720	426	1 395	1 104	161	1 145	49		
7. Lublin	2 957	1 326	395	1 236	736	209	766	21		
8. Łódź	6 621	3 158	468	2 995	1 152	149	1 440	36		
9. Olsztyn	2 395	1 169	328	898	563	134	606	19		
10. Opole	2 524	1 324	533	667	450	122	358	23		
11. Poznań	6 295	3 523	1 064	1 708	1 911	369	1 203	89		
12. Rzeszów	3 447	1 342	315	1 790	674	117	1 123	63		
13. Szczecin	3 107	1 234	667	1 206	558	150	629	46		
14. Warszawa	7 019	4 628	507	1 884	2 197	139	1 300	62		
15. Wrocław	3 562	1 360	453	1 749	762	155	1 262	46		
16. Zielona Góra	1 814	874	292	648	456	124	470	25		

Attachment 3

A. NUMBER OF STAFF OF THE NATIONAL LABOUR INSPECTORATE IN 2018

Specification	National Labour Inspectorate			
	Total	Staff in the Chief Labour Inspectorate	Staff in District Labour Inspectorates	Staff of the NLI's Training Centre in Wrocław
Total, including:	2 620	234	2 331	55
managers, excluding chief accountants	31	29		2
inspectors in managerial positions (District Labour Inspectors and their deputies)	46		46	
principal labour inspectors - heads of sub-districts	42		42	
other inspectors	1 492		1 492	
trainee inspectors	68		68	
specialised staff not conducting inspections	394	137	249	8
employees registering and analysing work of labour inspectors	165	23	135	7
accounting staff, including chief accountants	77	8	65	4
administrative staff	250	36	201	13
support staff	55	1	33	21

B. BREAKDOWN BY AGE, EDUCATION AND DURATION OF EMPLOYMENT IN THE NLI

Specification	Number of persons	Percent of all employees
AGE		
below 30 years of age	103	3,9
31-40 years	577	22
41-50 years	940	35,9
51-60 years	676	25,8
over 61 years of age	324	12,4
EDUCATION		
ACADEMIC, including:	2 401	91,6
legal	647	24,7
administrative	258	9,8
technical	971	37,1
other faculties	525	20
COLLEGE	44	1,7
SECONDARY	142	5,4
VOCATIONAL	26	1
PRIMARY	7	0,3
DURATION OF EMPLOYMENT IN THE NLI		
up to 10 years	805	30,7
11-20 years	1 043	39,8
21-30 years	674	25,7
over 31 years	98	3,8

Attachment 4

ACTS SPECIFYING THE COMPETENCES OF NLI AUTHORITIES

No.	Name of Act	Published
1	2	3
1	Act of 13 April 2007 on the National Labour Inspectorate	Journal of Laws of 2018, item 623, as amended
2	Act of 26 June 1974 Labour Code	Journal of Laws of 2018, item 917, as amended
3	Act of 14 June 1960 Code of Administrative Proceedings	Journal of Laws of 2018, item 2096, as amended
4	Act of 17 November 1964 Code of Civil Proceedings	Journal of Laws of 2018, item 1360, as amended
5	Act of 20 May 1971 Code of Misdemeanours	Journal of Laws of 2018, item 618, as amended
6	Act of 6 June 1997 Code of Criminal Proceedings	Journal of Laws of 2018, item 1987, as amended
7	Act of 24 August 2001 Code of Proceedings in Misdemeanour Cases	Journal of Laws of 2018, item 475, as amended
8	Act of 6 June 1997 Criminal Code	Journal of Laws of 2018, item 1600, as amended
9	Act 6 June 1997 Executive Criminal Code	Journal of Laws of 2019, item 676, as amended
10	Act of 1 December 1961 on Maritime Chambers	Journal of Laws of 2016 item 1207, as amended
11	Act of 17 June 1966 on Enforcement Proceedings in Administration	Journal of Laws of 2018, item 1314, as amended
12	Act of 24 June 1983 on Social Labour Inspection	Journal of Laws of 2015 item 567, as amended
13	Act of 6 April 1990 on the Police	Journal of Laws of 2019, item 161, as amended
14	Act of 12 October 1990 on the Border Guard	Journal of Laws of 2019, item 147, as amended
15	Act of 23 May 1991 on Settling Collective Disputes	Journal of Laws of 2019, item 174, as amended
16	Act of 23 May 1991 on Trade Unions	Journal of Laws of 2019, item 263
17	Act of 20 July 1991 on the Inspectorate of Environmental Protection	Journal of Laws of 2018, item 1471, as amended
18	Act of 25 October 1991 on Organising and Conducting Cultural Activity	Journal of Laws of 2018, item 1983, as amended
19	Act of 4 March 1994 on Funds for Social Benefits in Companies	Journal of Laws of 2018, item 1316, as amended
20	Act of 29 June 1995 on Public Statistics	Journal of Laws of 2019, item 649, as amended
21	Act of 10 April 1997 Energy Law	Journal of Laws of 2018, item 755
22	Act of 27 June 1997 on Occupational Medicine Service	Journal of Laws of 2018, item 1155, as amended
23	Act of 27 August 1997 on Professional and Social Rehabilitation and Employment of the Disabled	Journal of Laws of 2018, item 511, as amended
24	Act of 13 October 1998 on the Social Insurance System	Journal of Laws of 2019, item 300, as amended
25	Act of 7 October 1999 on the Polish Language	Journal of Laws of 2018, item 931, as amended
26	Act of 9 November 2000 on Repatriation	Journal of Laws of 2018, item 609, as amended
27	Act of 29 November 2000 Nuclear Law	Journal of Laws of 2018, item 792, as amended
28	Act of 21 December 2000 on Inland Navigation	Journal of Laws of 2017, item 2128, as amended
29	Act of 22 June 2001 on Conducting Economic Activity Related to the Production and Sale of Explosives, Arms, Ammunition, as well as Products and Technologies Designed for Military or Police Purposes	Journal of Laws of 2018, item 2037
30	Act of 22 June 2001 on Genetically Modified Microorganisms and Organisms	Journal of Laws of 2019, item 706
31	Act of 11 August 2001 on Special Rules of Reconstruction, Repair and Demolition of Buildings Destroyed or Damaged by a Natural Disaster	Journal of Laws of 2018, item 1345, as amended
32	Act of 6 September 2001 on Road Transportation	Journal of Laws of 2019, item 58, as amended
33	Act of 5 April 2002 on European Works Councils	Journal of Laws of 2018, item 1247, as amended
34	Act of 21 June 2002 on Explosives Designed for Civil Use	Journal of Laws of 2019, item 45, as amended

No.	Name of Act	Published
1	2	3
35	Act of 30 August 2002 on the Conformity Assessment System	Journal of Laws of 2019, item 155
36	Act of 10 October 2002 on the Minimum Remuneration for Work	Journal of Laws of 2018, item 2177
37	Act of 30 October 2002 on Social Insurance with regard to Work Accidents and Occupational Diseases	Journal of Laws of 2018, item 1376, as amended
38	Act of 9 July 2003 on the Employment of Temporary Workers	Journal of Laws of 2018, item 594, as amended
39	Act of 17 October 2003 on Underwater Work	Journal of Laws of 2017, item 1970, as amended
40	Act of 16 April 2004 on Working Time of Drivers	Journal of Laws of 2012, item 1155, as amended
41	Act of 20 April 2004 on the Promotion of Employment and Labour Market Institutions	Journal of Laws of 2018, item 1265, as amended
42	Act of 4 March 2005 on a European Grouping of Economic Interests and a European Company	Journal of Laws of 2018, item 2036
43	Act of 7 April 2006 on Informing Employees and Holding Consultations with Them	Journal of Laws, item 550, as amended
44	Act of 13 July 2006 on the Protection of Claims of Workers in case of Insolvency of the Employer	Journal of Laws of 2018, item 1433, as amended
45	Act of 22 July 2006 Concerning Allocation of Financial Resources to Service-Providers for Increase of Remuneration	Journal of Laws, item 1076, as amended
46	Act of 22 July 2006 on a European Cooperative	Journal of Laws of 2018, item 2043
47	Act of 25 April 2008 on Participation of Employees in a Company Established through a Cross-Border Merger of Companies	Journal of Laws, item 525, as amended
48	Act of 19 December 2008 on Bridging Pensions	Journal of Laws of 2018, item 1924
49	Act of 20 May 2010 on Medical Products	Journal of Laws of 2019, item 175, as amended
50	Act of 25 February 2011 on Chemical Substances and Their Mixtures	Journal of Laws of 2018, item 143, as amended
51	Act of 15 April 2011 on Medical Treatment Activity	Journal of Laws of 2018, item 2190, as amended
52	Act of 18 August 2011 on Safety at Sea	Journal of Laws of 2018, item 181, as amended
53	Act of 15 June 2012 on the Effects of Entrusting Work to Foreigners Staying in the Territory of Poland in Violation of Legal Provisions	Journal of Laws, item 769
54	Act of 12 December 2013 on Foreigners	Journal of Laws of 2018, item 2094, as amended
55	Act of 5 August 2015 on Work at Sea	Journal of Laws of 2018, item 616, as amended
56	Act of 9 October 2015 on Biocidal Products	Journal of Laws of 2018, item 2231
57	Act of 13 April 2016 on Conformity Assessment Systems and Market Surveillance	Journal of Laws of 2019, item 544
58	Act of 10 June 2016 on the Posting of Workers in the Framework of the Provision of Services	Journal of Laws of 2018, item 2206
59	Act of 8 June 2017 on the Method of Determining the Lowest Basic Remuneration for Workers Performing Medical Jobs and Engaged in Medical Treatment Entities	Journal of Laws, item 1473, as amended
60	Act of 10 January 2018 on Limiting Retail Trade on Sundays, Holidays and Some Other Days	Journal of Laws of 2019, item 466
61	Act of 6 March 2018 Entrepreneurs Law	Journal of Laws, item 646, as amended
62	Act of 6 March 2018 on the Central Registration and Information on Business and Information Point for Entrepreneurs	Journal of Laws, item 647, as amended
63	Act of 4 October 2018 on Employee Capital Plans	Journal of Laws of 2018, item 2215

Attachment 5

**ECONOMIC ENTITIES OPERATING IN POLAND IN 2018 BY PKD SECTIONS
(POLISH CLASSIFICATION OF ACTIVITY, 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
TOTAL	752 983	1 081 610
Agriculture, forestry, hunting and fishing	9 738	7 340
Mining and quarrying	1 298	702
Manufacturing	92 987	94 984
Production of electricity	1 198	809
Water supply	5 036	2 545
Construction	100 523	159 583
Trade, repairs	194 703	211 977
Transportation and storage	54 590	73 520
Accommodation and food service activities	29 950	20 850
Information and communication	15 008	71 126
Financial and insurance activities	12 924	30 084
Real estate activities	15 345	25 166
Professional, scientific and technical activities	60 542	155 191
Administrative and support service activities	23 559	36 337
Public administration	6 807	295
Education	34 654	25 522
Human health and social work activities	34 370	85 122
Arts, entertainment and recreation activities	11 246	13 157
Other service activities	42 405	59 599
Households	4	1
Extraterritorial organisations	122	9
Unspecified activity	5 974	7 691

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 at 31 December 2018). According to Statistics Poland data, in Poland in the 4th quarter of year 2018 the number of working persons (including hired labourers and the self-employed) amounted to 16.4 million.

Attachment 6

**VICTIMS OF ACCIDENTS AT WORK IN DIFFERENT SECTORS OF NATIONAL ECONOMY
(STATISTICS POLAND)**

Sectors	Year	Number of victims of accidents at work			
		Total	Fatal	Serious	Other
TOTAL	2018	84 304	209	517	83 578
	2017	88 330	269	661	87 400
Agriculture, forestry, hunting and fishing	2018	1 143	14	18	1 111
	2017	1 323	16	20	1 287
Mining and quarrying	2018	2 244	18	16	2 210
	2017	2 200	11	10	2 179
Industrial processing	2018	28 669	45	240	28 384
	2017	29 057	43	349	28 665
Power, gas, steam, hot water production and supply, air supply for air-conditioning systems	2018	636	4	8	624
	2017	707	5	9	693
Water supply; waste management and remediation	2018	2 263	2	19	2 242
	2017	2 527	7	21	2 499
Construction	2018	5 247	48	84	5 115
	2017	5 390	58	100	5 232
Wholesale and retail sale, vehicle maintenance inclusive of motorcycles	2018	10 906	17	41	10 848
	2017	11 816	27	35	11 754
Transportation and storage	2018	6 885	33	23	6 829
	2017	6 949	56	37	6 856
Accommodation and gastronomy activities	2018	1 152	1	2	1 149
	2017	1 313	2	3	1 308
Information and communication	2018	462	1	3	458
	2017	471	-	4	467
Financial and insurance activities	2018	811	1	-	810
	2017	1 068	2	4	1 062
Real estate activities	2018	827	3	2	822
	2017	943	3	3	937
Professional, scientific and technical activities	2018	1 167	1	5	1 161
	2017	1 201	2	5	1 194

Attachment 7

OCCUPATIONAL DISEASES IN POLAND IN 2018
ACCORDING TO TYPES OF DISEASES*

no.	Occupational diseases	Number of cases
1	Acute or chronic intoxications or their sequelae	2
2	Metal fume fever	0
3	Pneumoconioses	392
4	Pleural or pericardial disorders induced by asbesthos inhalation	27
5	Chronic obstructive bronchitis	4
6	Bronchial asthma	46
7	Exogenous allergic alveolitis	22
8	Acute generalised allergic reactions	0
9	Byssinosis	0
10	Chronic beryllium disease	0
11	Pulmonary diseases induced by hard metal dust exposure	1
12	Allergic rhinitis	19
13	Oedematous laryngitis induced by allergy	0
14	Nasal septum perforation	0
15	Chronic voice disorders	282
16	Diseases induced by exposure to ionising radiation	0
17	Malignant neoplasms	77
18	Skin conditions	59
19	Chronic musculoskeletal diseases	93
20	Chronic peripheral nervous system diseases	200
21	Hearing loss	111
22	Hand-arm vibration syndrome	17
23	Diseases induced by work at increased atmospheric pressure	0
24	Diseases induced by work in cold or hot environments	0
25	Ophthalmological diseases	4
26	Communicable or parasitic diseases	666
	Total	2022

source: Nofer Institute of Occupational Medicine

*drawn up on the basis of "Occupational diseases in Poland in 2018", NIOM, Łódź 2019

ATTACHMENTS

1. Statistical data on the National Labour Inspectorate's activity in 2018 – inspections and legal measures.
2. Statistical data on the National Labour Inspectorate's activity in 2018 – offences and crimes against the rights of persons performing paid work.
- 3A. Number of staff of the National Labour Inspectorate in 2018.
- 3B. Breakdown by age, education and duration of employment in the NLI.
4. Acts specifying the competences of NLI authorities.
5. Economic entities operating in Poland in PKD by PKD sections.
6. Victims of accidents at work in different sectors of national economy (data of *Statistics Poland*).
7. Occupational diseases in Poland in 2018 (data of *Nofer Institute of Occupational Medicine in Łódź*).

CONTENTS

I. GENERAL INFORMATION

II. SCOPE OF ACTIVITIES

- 2.1. Objective
- 2.2. Regulatory changes applying to NLI in 2018
- 2.3. Subject matter and scope of NLI inspections
- 2.4. Legal instruments at NLI's disposal

III. NLI ACTIVITY IN NUMBERS

IV. SAFETY AND PROTECTION OF HEALTH AT THE WORKPLACE

- 4.1. Increased surveillance programme
- 4.2. Prevention and inspection activities
- 4.3. Inspections at industrial plants
- 4.4. Inspections in woodworking companies, market surveillance
- 4.5. Employment of disabled persons
- 4.6. Work safety of temporary workers

V. LEGAL PROTECTION OF LABOUR

VI. LEGALITY OF EMPLOYMENT

VII. NLI AS A LIAISON OFFICE

VIII. DOMESTIC COOPERATION

IX. FIRST INSPECTION STRATEGY

X. PREVENTION AND PROMOTION PRIORITIES

XI. INTERNATIONAL COOPERATION

- 11.1. Senior Labour Inspectors' Committee (SLIC)
- 11.2. Committee of Experts on Posting of Workers
- 11.3. European Platform Tackling Undeclared Work
- 11.4. Other projects

ATTACHMENTS

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