



# REPORT

on the National Labour  
Inspectorate's activity  
**in 2020**

- abbreviated version  
for the International  
Labour Organization

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The National Labour Inspectorate (NLI) is an authority established to **supervise and inspect the observance of labour law**, in particular occupational safety and health rules and regulations, 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 2019, item 1251).

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's activity" to the SLIC Secretariat.

The Speaker of Parliament decides on the National Labour Inspectorate's statute, which specifies its internal organisation. The Speaker of Parliament also decides on the 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 43 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. The NLI Training Centre is managed by its Director.

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, leaves, employee rights connected with parenthood, employment of juveniles and persons with disabilities;
- inspection of **legality of employment**, other paid work, and 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**, inspection related to **hazards created by goods** and inspection of the **formal non-compliance** in the meaning of the *Act of 13 April 2016 on Conformity Assessment and Market Surveillance Systems*, with the exception of goods subject to inspection of other competent market surveillance authorities in the meaning of that Act, as well as conducting proceedings concerning such matters;
- 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;
- supervision of the observance by employers of the duties set out in Art. 35 and Art 37(5) and (6) of *Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)*,

establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (EU OJ L 396 of 30.12.2006, p. 1, as amended), in accordance with separate provisions on labour protection, within its area of competence;

- supervision of the observance of **the conditions for using substances** set out by the European Chemicals Agency on the basis of Art. 9(4) of *Regulation 1907/2006*, within its area of competence;
- taking actions aimed at **preventing and reducing hazards** in the working environment, in particular:
  - examining circumstances and causes 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** on labour law and work safety;
  - 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 2021, 117, uniform text of 18.01.2021);
- 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, uniform text);

- **issuing opinions on draft legal acts** in the area of labour law;
- the right to lodge **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, uniform text);
- 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 the European Economic Area, who exercise the right of free movement of workers, as well as members of their families;
- **prosecuting offences** as defined in articles 106 and 107 of the *Act of 4 October 2018 on Employee Capital Plans* and participation in the proceedings concerning such offences as a public prosecutor;
- **prosecuting offences** against employee rights as defined in the Labour Code and other Acts, and participation in the relevant proceedings as a public prosecutor;
- inspection of compliance with duties laid down in art. 23r subsections 3 and 4 of the *Act of 10 April 1997 – Energy Law* (Journal of Laws 2021, 716, uniform text of 19.04.2021), with regard to liquid fuels in the framework of carrying out an inspection of compliance with the labour law provisions;
- 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 2020, 2207, uniform text of 10.12.2020);

- inspection of compliance with provisions of the *Act of 10 January 2018 on Limiting Retail Trade on Sundays, Public 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;
- inspection of fulfilment of duties set out in the *Act of 4 October 2018 on Employee Capital Plans (PPK in Polish)*, in particular:
  - a) the duty to conclude contracts for maintaining PPK and contracts for managing PPK,
  - b) making payments to PPK.

In 2020, **new tasks** were imposed on the National Labour Inspectorate arising from the declaration of the state of epidemic in the territory of the Republic of Poland.

In the *Act of 2 March 2020 on Specific Solutions Related to Preventing, Counteracting and Combating Covid-19, Other Infectious Diseases and the Related Emergencies* (Journal of Laws, item 1842, as amended), article 15g (12) specifies that an employer shall provide a competent District Labour Inspector with a copy of the agreement which establishes the conditions and mode of performing work in the period of economic stoppage or a reduced working time system. Additionally, as per art. 15zf (5) of the Act, an employer shall provide a competent District Labour Inspector with a copy of the agreement which introduces an equivalent working time or decides about the application of less advantageous terms of employment of the workers than the ones resulting from the employment contracts concluded with those workers. In cases where the employees engaged by a specific employer were covered by a supra-company collective labour agreement, the District Labour Inspector forwards the information on such agreements to the register of supra-company collective labour agreements.

Moreover, on 30 December 2020 the **Act of 27 November 2020 on the Amendment of Some Legal Acts in Order to Secure Medical Personnel in the**

**Period of Declaration of Epidemic Risk or the State of Epidemic** (Journal of Laws of 2020, item 2401) entered into force. It sets out that the National Labour Inspectorate supervises inspection of compliance with the provisions of articles 19 and 20 of the Act according to the rules laid down in the *Act of 13 April 2007 on the National Labour Inspectorate*. The provisions of the above-mentioned articles 19 and 20 guarantee to persons practising medical professions, who are currently covered by remuneration regulations which stipulate that the National Health Fund transfers financial resources to medical treatment entities, that their terms of employment shall not deteriorate after 1 July 2021 due to the expiry of provisions stipulating separate flows of financial resources assigned for financing remuneration increases for nurses, midwives, medical rescuers and medical specialists.

Besides the above-mentioned duties resulting from the declaration of the state of epidemic, a new task which the law-maker imposed on the National Labour Inspectorate in 2020 is **receiving of motivated notifications from employers posting workers to the territory of the Republic of Poland in the case of extending the period of ensuring adequate terms of employment to a posted worker**, as laid down in article 4a (1) of the *Act of 10 June 2016 on the Posting of Workers in the Framework of the Provision of Services*. The said provision was added by the *Act of 24 July 2020 on the Amendment of the Act on the Posting of Workers in the Framework of the Provision of Services and of Some Other Acts* (Journal of Laws, item 1423), which came into force on 4 September 2020. Additionally, the latter Act amended the *Act of 20 August 2007 on Tax Rules* (Journal of Laws of 2020, item 1325), in which in art. 299 § 3, point 15a was added; according to it, tax authorities make available to the National Labour Inspectorate's inspectors information included in tax-related documents, in the scope indispensable to carry out some of the NLI's statutory tasks.

In addition to that, on 1 December 2020 the provisions of article 281 § 2 and article 282 § 3 of the *Act of 26 June 1974 Labour Code* (Journal of Laws of 2020, item 1320) came into force; they **broadened the list of offences** against employee rights. Employers who engage persons having debts for alimony without

a written confirmation of the employment contract concluded with the worker (illegal employment) or pay higher remuneration than the one stipulated in the employment contract and do not deduct sums to cover alimony debts, thereby helping the persons who avoid paying alimony to shirk their obligations, are liable to a fine, which is imposed by the National Labour Inspectorate.

In line with the *Act of 13 April 2007 on the National Labour Inspectorate*, the labour inspectorate's 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, career counselling 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 2019, item 1482 as amended) – as regards observance of the duty specified in art. 10(1) points 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 subject to the provisions of the *Act of 10 January 2018 on Limiting Retail Trade on Sundays, Public Holidays and Some Other Days*;
- 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*.

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 employees 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 in special conditions** or of special nature, 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 the 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 **placing products on the market** or commissioning products for use in breach of provisions.

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 fulfilling 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 authorities.

At the beginning of 2020, the National Labour Inspectorate began to implement **the tasks planned in the NLI's Work Programme for 2020**, approved of by the Labour Protection Council, affiliated to the Parliament. The emergence of the SARS-CoV-2 virus made it necessary to adapt the previous plans to the dramatically changed conditions of conducting inspection and preventive activity.

Activities carried out by labour inspectors gained special importance in view of the hazards related to the spread of the previously unknown SARS-CoV-2 virus. Conducting of inspections became dependent on the state of epidemic risk in force in the territory of the Republic of Poland since mid-March 2020, and the subsequent state of epidemic, as well as on the necessary actions related to them, aimed to prevent and counteract infections and contagious diseases among people. For these reasons, inspection activity of labour inspectors was each time adapted to the epidemic restrictions and limitations introduced in the country. From January to mid-March and later after the so-called "de-freezing of the economy", i.e. from June to the end of October 2020, inspections were carried out according to the schedule. However, the performance of anti-epidemic actions and the need to cut off the routes of the spread of the infectious disease Covid-19



required, along with the introduction of lockdowns, that activity of individual areas of the economy be limited, the health care units be exempted from the routine supervision and inspection activity of the NLI inspectors be temporarily suspended.

In view of the necessity to protect the health, both of labour inspectors and of the persons working in the inspected entities, and the duty to limit the possibility of transmitting the virus between individual workplaces, inspection activities conducted on the spot in companies were limited to the most urgent cases of violations of legal provisions, including those on occupational safety and health (in particular visits to examine the causes and circumstances of the work-related accidents, and to address the situations of immediate risks to the life or health of the working persons), and the legality of employment.

In that period, the NLI employees also fulfilled the tasks connected with **inspecting of products placed on market at customs**, first of all the goods imported from abroad in order to prevent the spread of the virus and to combat the epidemic. They also performed the tasks which could be done in the form of telework – first and foremost legal and technical consultancy in connection with legislative changes introduced in the country after declaration of the state of epidemic. In places of customs clearance, 385 batches of products were assessed; a part of them were personal protective equipment. As a result of such actions, 295 negative opinions were issued, which stopped the placing on the European market of goods and products not meeting the requirements laid down in EU directives and presenting risks to their potential users.

The resumption of inspections at the full extent in June 2020 was possible due to the improvement of the epidemic situation and the mitigation of restrictions, orders and bans introduced in the country. The decisions recalling the lockdown enabled labour inspectors to return to conducting inspection activities to a greater extent. Yet, it was very difficult to carry out inspections in such a way as before, also due to the lack of access to adequate personal protective equipment, individual protective measures and disinfecting products of virucidal effect.

In connection with the worsening epidemic situation in Poland, from 30 October 2020 to the end of the year employees of the National Labour Inspectorate were instructed, for the second time, to do telework, with the exception of persons whose presence at the seats of the NLI's organisational units was absolutely necessary. Inspection activities were again limited to cases of immediate hazards to the life and health of workers, examination of fatal and serious accidents at work and inspections in the framework of market surveillance.

During implementation of the planned inspections of: the observance of employee rights, the duty to ensure safe and hygienic working conditions and the legality of employment, labour inspectors checked the observance of provisions aimed at reducing the risk of infections with the SARS-CoV-2 virus in workplaces, and the fulfilment of a duty to provide information to workers of inspected enterprises about hazards to their health and life, and about the conducted protective and preventive activities.

In 2020, in total **16.7 thousand inspections** were carried out in the above-mentioned scope in **15.8 thousand entities**. Irregularities such as negligence of duties laid down in the provisions aimed at reducing the risk of infections with the SARS-CoV-2 virus were identified in **almost 43% of the inspected enterprises**.

It should be pointed out that the competence of the NLI inspectors to apply legal measures for neglecting the requirements related to reducing the risk of infections with the SARS-CoV-2 virus comprises: making a risk assessment of the occupational exposure to the working environment factors, informing workers about the risk and using the necessary preventive measures, including personal protective equipment. The other issues, being the result of the declared state of epidemic, **fall within the competence of the sanitary inspection**, so upon identification of an unlawful situation, labour inspectors notified competent county and provincial sanitary inspectors. **462 such notifications** were given in 2020.

On 1 September 2020, the National Labour Inspectorate launched a preventive programme titled



“Safely at school”. Its objective was **to popularise legal requirements and good practices** in activities consisting in the prevention and reduction of risks from biological agents at schools and educational units, with a special focus on health protection during the pandemic.

Communication and training initiatives covered mainly workers and representatives of OSH services operating in schools. During the preventive programme implemented in educational units, the labour inspectorate carried out **almost 5.8 thousand training events**, which were attended, among others, by over 6.8 thousand employers, about 49 thousand employees and almost 490 representatives of OSH services.

In the National Labour Inspectorate’s Work Programme for 2020, 72 thousand inspections were planned. Out of the planned number of inspections, 56 371 were conducted in 2020 (implementation at the level of 78.3%). A reduction in the number of inspection and advisory-preventive activities was a direct outcome of the drastically changed conditions of the NLI’s functioning due to the outbreak of the epidemic and introduced restrictions, in particular of the economic activity of some economic entities.

The model of procedures and of task performance adopted by the NLI in connection with the generally existing risk of infections with the SARS-CoV-2 virus, the response to the continuing state of epidemic and the introduction of new inspection topics to help reduce the spread of the SARS-CoV-2 virus in Poland, enabled the NLI to effectively implement inspection activities, in a slightly changed form, in 2020.

In the case of new tasks, besides the need to conduct inspections, it was necessary to develop new methodological solutions, to train employees and to make organisational changes to facilitate efficient fulfilment of new duties. What’s more, the new obligations were fulfilled in the period of higher social demand for the NLI’s essential tasks.

In the reporting year, labour inspectors conducted **56.4 thousand inspections in 48 thousand entities**, where **3.1 million persons** worked.

In connection with **violations of labour law** identified during inspections, inspectors issued 160.8 thousand decisions on occupational safety and health, as well as 3.9 thousand decisions ordering the payment of remuneration and other benefits resulting from an employment relationship, to the total amount of 78.5 million PLN.

NLI inspectors addressed improvement notices to the inspected entities comprising 157 thousand recommendations to eliminate the revealed irregularities. They also issued 8.7 thousand verbal instructions concerning faults which could be eradicated during the inspection or immediately after its termination.

During inspections, NLI inspectors revealed almost 36.5 thousand **offences** against the rights of persons performing paid work. In consequence, they imposed 9.8 thousand fines in the form of penalty tickets on the offenders, to the overall amount of 11.7 million PLN; they filed 707 requests for penalty with courts and applied 8.6 thousand disciplining measures (admonition, warning, rebuke).

Moreover, they sent 507 **notifications to the prosecutor’s office** about the suspicion of a crime.

In the reporting year, the National Labour Inspectorate examined 86.7 thousand charges and issues raised in 49.6 thousand **complaints** lodged with the authority. The majority of problems and charges (37% of those reported) concerned the payment of remuneration for work and other due amounts, matters related to the employment relationship (over 20%), and working time (over 6%).

In connection with the received complaints, labour inspectors conducted over 19.4 thousand inspections, which constituted 34.4% of all inspections in 2020. In the course of inspections, labour inspectors confirmed validity of 26.1% of the charges, while 27.9% were deemed unjustified. It was impossible to verify the validity of 43.7% of the charges included in the complaints based on the evidence available to the labour inspectors, thus the resolution of such disputes rested solely with a court.

In 2020, labour inspectors and other NLI specialists gave 533.2 thousand pieces of **advice** in total on broadly understood labour protection (including 218.1 thousand during the conducted inspection visits).

In order to obtain advice, those interested most often contacted the authority over the phone (76.2%) and personally (19.3%); written replies were sent to 3.2% of those concerned, and 1.2% replies – via electronic mail. The largest group of persons benefitting from free consultancy were workers (including former and disabled workers) – 62.3%. The second largest group of persons interested in getting information about the labour law in force were employers (28%). The NLI's consultancy was also sought by foreigners (3.2%), trade unions (0.5%), job seekers, territorial self-government units, social labour inspectors, private farmers and others.

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An important component of NLI's inspections is the assessment of the correctness of preparing workers to carry out tasks, which comprises medical examinations, OSH training and the possession by workers of the required qualifications, e.g. to operate machines and equipment. Verification of the correctness of allowing persons to perform work changed in connection with the introduction of provisions which suspended the duty, due to the declared state of epidemic, of timely periodic medical examinations and of conducting periodic OSH training. Past 18 April 2020, the labour inspectors did not find irregularities in the timeliness of arranging periodic OSH training for workers and of referring workers for periodic medical examinations. When the state of epidemic has been recalled, employers will have 180 days and 60 days, respectively, to fulfil the above-mentioned duties towards their workers, which will be subject to NLI's inspections in the future reporting periods.

While conducting inspections regarding observance of the duty to ensure safe and hygienic working conditions, labour inspectors also checked whether the employers complied with the provisions aimed at reducing the risk of infections with the SARS-CoV-2 virus in companies, as well as fulfilled the duty to inform workers of the inspected workplaces about hazards to their health and life, and the implemented

protective and preventive actions. Therefore, special attention was paid to the issue of **biological hazards in the working environment** and issues related to the use of **chemical agents – disinfectants** for hands, surfaces and work rooms.

One of the most important tasks of the National Labour Inspectorate is **to prevent occupational hazards** in the working environment and work-related accidents, as well as to reduce them, among others through inspection and supervisory actions. In 2020, inspections of NLI labour inspectors focused on the sectors and types of economic and service activity where the risk of a work-related accident or an occupational disease is particularly high. They especially covered examination of accidents at work, work safety management in companies where work-related accidents occurred repeatedly, as well as intensified supervision of enterprises with high rates of occupational hazards.

In 2020, labour inspectors **examined the circumstances and causes of 1 175 work-related accidents** which occurred in 2020 and were reported to the National Labour Inspectorate. They resulted in injuries to 1 951 persons, including 217 fatally injured and 627 seriously injured.

The largest group of victims of the accidents examined by labour inspectors performed work in companies from the following PKD (Polish Classification of Activity) sections: industrial processing, construction, trade and repairs, transport and storage.

Having analysed the basis for the work performance by the victims of accidents that ended with death or serious injuries, it should be pointed out that an absolute majority of them were employees with an employment contract – more than 85% of the total number of victims. The persons performing work on a basis other than an employment relationship constituted 16.5 % of the fatal victims and 14.7% of the seriously injured.

Considering the age of the injured, one may conclude that like in previous years, the persons of 30-39 years of age most often fell victim of accidents. However, in 2020 the largest group among the fatally

injured were the persons aged 50-59. For comparison, in 2019 these were the persons aged 40-49 years.

Data from the inspections concerning examination of the circumstances and causes of work-related accidents indicate that 7.1% of the accident victims in 2020 were the persons from non-EU countries (in 2019 – 8%). The largest group of the victims coming from outside the European Community were Ukrainian nationals: in 2020 – 121 persons from the total number of 138 foreigners (in 2019 – 180 from among 209). The majority of Ukrainian nationals injured in accidents examined by the NLI performed work in the profession of an ancillary construction worker, steel fixer, locksmith, boarding carpenter, roofer, bricklayer and warehouseman. Accidents most often occurred due to a fall from a height, being hit by a falling object, loss of control over the machine or the material during its machining, and being caught by a machine.

It may be concluded from the analysis concerning the places where the fatal accidents occurred in 2020, from among those examined by the NLI, that these mainly were construction sites (31.8% of the total number of fatalities), places of industrial manufacturing (31.3%), places and means of public transport (13.4%), forests, land used for cultivation and animal breeding (8.8%).

The conducted inspections serve the purpose of, among others, assessing the **application of measures to prevent work-related accidents** in enterprises which recorded the largest number of such incidents. In the reporting year labour inspectors paid attention to the conclusions of post-accident teams from the analysis of the circumstances and causes of accidents at work, especially the recurrent ones. They verified compliance with the applicable provisions, reliability of the conducted post-accident proceedings, the process of identifying hazards existing in the working environment and assessing the related occupational risks, relevance of the applied preventive measures – both in relation to the existing hazards and to the causes of work-related accidents that had occurred. They also assessed the preparation for work and the effectiveness of activity of the occupational safety and health service.

An irregularity commonly identified in companies of the inspected employers was poor quality of the drawn up post-accident documents, resulting, among others, from:

- unreliable, incomplete and unclear descriptions of the circumstances of accidents, which did not allow to properly assess the event whose consequence was an accident at work,
- failure to draw conclusions and indicate preventive measures in post-accident reports, or indicating the measures and preventive conclusions inadequate to the accident causes and hazards that triggered the accident.

Another irregularity identified during inspections of employers concerned an occupational risk assessment. Information in documents needed to prepare and conduct an occupational risk assessment process was not up to date or was incomplete. The revealed mistakes comprised the failure to identify hazards which resulted in accidents or the failure to update an occupational risk assessment by taking account of the hazards which, upon triggering, resulted in an accident. The teams carrying out risk assessments did not consider special criteria, e.g. for pregnant women, where it was necessary. Moreover, in some cases the document of an occupational risk assessment did not include preventive measures and conclusions; additionally, there was no consistency between the applied measures indicated in the risk assessment and the measures and conclusions specified in post-accident reports.

It needs to be emphasised that the aforesaid assessment is an essential element of the occupational safety and health management system – so it should serve the purpose of creating safe and healthy conditions of performing work in an enterprise. For an occupational risk assessment to fulfil its role, it has to be modified in every situation where the conditions of performing work change, and especially where a new hazard has been identified. An extremely important source of information to identify hazards is the post-accident procedure during which the causes and circumstances of work-related accidents are established. Labour inspectors found out during inspections that the employers did not make another occupational risk assessment after the occurrence of

an accident. Additionally, during inspections of the OSH management issues in workplaces, labour inspectors noticed that the persons fulfilling tasks of the OSH service did not cooperate with the persons managing workers, and the descriptions of workstations and of the implemented preventive solutions were not consulted with the workers. Thereby, the workers did not have any influence on creating safe workplaces, they did not have a feeling of ownership of the occupational risk assessment and other documents essential for ensuring safe and hygienic working conditions (e.g. OSH instructions).

The situation turned out to be better in those companies which implemented the **occupational safety and health management systems**, or at least the quality or environmental management systems.

In 2020, the 2<sup>nd</sup> phase of **the NLI's intensified supervision** in the group of companies with a high level of occupational hazards was carried out. This comprised 29 enterprises (including 2 large construction investments), which had previously recorded high accident rates, high morbidity rates of occupational diseases and large numbers of persons working in the conditions of hazard from dangerous and harmful factors of the working environment. The primary problem in the area of work safety in those enterprises was poor technical condition of the operated machines and equipment, which was revealed during one third of the inspections and concerned mainly the lack of guards of moveable parts as well as purposeful inactivation of the protective functions of safety switches. Many irregularities also concerned the use of electrical equipment and installations (22% of the inspections), warehousing and storing of raw materials, semi-products and finished goods (15%), and conducting of examinations and measurements of factors harmful to health (25%). Labour inspectors challenged the reliability and correctness of the documents prepared by the employers on an occupational risk assessment (29%). Not only did the conducted inspections result in the elimination of irregularities posing an immediate risk to the life and health of workers, but in many cases they also made the employers aware of the necessity to undertake broader activities so as to improve working conditions, including changes in the applied

technologies or new investments in machines. In such instances, however, the achievement of a permanent improvement of the OSH status, because of the scale of the indispensable changes, requires a longer time period.

In 2020, the NLI's inspections covered **37 workplaces with a potentially high risk of a serious industrial breakdown** due to the possibility of release of hazardous chemical substances to the environment. The said substances in the inspected enterprises existed in smaller amounts (below the threshold) than in companies with the highest risk of a serious industrial breakdown, where stricter safety standards are applicable. It is worth stressing that the issue of chemical safety in companies with a high risk of a serious industrial breakdown should be acknowledged by the persons managing such entities and by the services responsible for OSH. A priority in such plants should be higher standards of work safety. **Yet, the conducted inspections have shown that only in 16% of the companies labour inspectors did not reveal breaches of provisions on the technical work safety.**

The majority of breaches concerned an **occupational risk assessment** (46% of the entities). The presented assessments did not meet the requirements for assessing workstations where chemical agents are used, as they did not take account of activities during which the exposure to such agents may increase (refurbishment, repairs, breakdowns, etc.). Due to the characteristics of the chemical substances which are handled by workers (e.g. ammonia), this fact is highly disturbing.

In view of the hazards presented by substances and mixtures which may create explosive atmosphere in the inspected companies, the percentage of companies (38%) where the NLI identified irregularities in the assessment of risk connected with the possibility of occurrence of an explosive atmosphere in workplaces should be regarded as unacceptable. The faults concerning **the document on explosion prevention** were revealed in 27% of the inspected entities. The failure to implement stipulations included in such a document, among others the failure to make timely reviews of the protective measures applied in

companies classified as potential sources of serious breakdowns, is irresponsible. It also happens that the task of drafting such documents is assigned to persons without the required knowledge in that area.

Attention was also drawn to irregularities concerning **the preparation of workers operating installations with hazardous chemical substances** for adequate conduct in an emergency.

A frequently occurring problem (39% of the companies) was **the lack of, or irregularities related to personal protective equipment** designed to secure workers from the action of hazardous and harmful to health factors present in the working environment. The above concerned 67% of the workers operating such installations covered by inspections.

During 69 inspections in enterprises where the workers performed work in conditions of **exposure to chemical substances, their mixtures, agents or technological processes of carcinogenic or mutagenic effect**, special attention was paid to activities undertaken by employers in order to reduce occupational risk connected with such exposure. The analysis of inspection results suggests that the employers and persons responsible for the OSH status in those companies were not sufficiently aware of the health hazards posed by carcinogenic or mutagenic substances. A large group of the inspected employers (35%) did not take account, in the occupational risk assessment, of the hazards from carcinogenic or mutagenic factors, and in consequence they did not apply adequate preventive measures in the above-mentioned area. In every sixth inspected workstation, no measurements were made of the carcinogenic or mutagenic factors harmful to health in the working environment – this concerned 23% of the companies. In some cases the employers conducted examinations and measurements, but did not observe the required frequency of conducting them, resulting from the measured concentrations in comparison with the highest permissible concentrations.

The existence in the working environment of such substances, mixtures or factors is a catalyst for the development of cancers. In view of the importance of the problem, as well as the interpretation doubts

about the provisions regulating such issues, the NLI finds it necessary to both continue relevant inspections and to amend the *Regulation of the Minister of Health of 24 July 2012 on Chemical Substances, their Mixtures, Factors or Technological Processes of Carcinogenic or Mutagenic Effect in the Working Environment*, among others by adding definitions of the terms “work in contact” and “work in exposure” with regard to chemical substances, their mixtures, factors or technological processes of carcinogenic or mutagenic effect.

Year 2020 was the second year of implementation of the three-year-long campaign “*A good recipe for safety*” prepared by the National Labour Inspectorate specifically for **meat processing plants**.

In accordance with the campaign strategy adopted by NLI, employers were given an opportunity, before inspections started, to adapt their companies to the law in force through the **participation in a preventive programme**. Before participating in the programme, employers had a possibility to undergo dedicated training and were given educational materials and checklists useful for detecting and eliminating irregularities in their companies.

In the reporting year inspections were started in entities which:

- participated in dedicated preventive activities in 2019 – **127 inspections**,
- did not engage in cooperation with NLI in the area of prevention or discontinued such cooperation – **101 inspections**.

The most serious problem in meat processing plants is **operation of malfunctioning and thus hazardous machines and equipment**. Irregularities were observed in 58% of entities which cooperated with NLI and in 69% of other entities.

Numerous processes in meat processing plants are still carried out manually (feeding the raw material into the machines, manual work with the use of sharp tools, transport of raw material and semi-finished products between different production stages, cleaning of equipment and rooms), which leads

to greater fatigue of a worker as time progresses on their shift. Therefore, in order to limit accident risks, it is vital to properly organise a workstation, in accordance with the existing occupational safety regulations. Irregularities related to the **work process organisation** were detected in 33% of inspected companies; in the group of companies which implemented the prevention programme the rate was 28% while in the companies which did not participate in the programme – 41%.

A considerable number of irregularities as regards **the occupational risk assessment** suggests that employers and various services subordinate to them still do not cope with this problem. This is all the more alarming given that despite their participation in the preventive programme more than half of the employers made an incorrect occupational risk assessment. Some of them failed to identify all the risks existing on workstations, others assessed only some of the works carried out by their workers. In the group of companies which did not participate in the prevention programme, **those with irregularities related to the occupational risk analysis accounted for as much as 67%.**

Inspection results show that after completing the prevention programme, the proportion of companies where occupational safety and health irregularities occurred was significantly lower. This proves **the usefulness of such programmes** involving inspection of the OSH situation and targeted at specific industries where accidents at work are frequent.

Various forms of supervision and inspection were continued in **the construction sector** which is still one of the most accident-prone sectors. Extensive inspection and prevention activities conducted by NLI for many years, aimed at ensuring work safety on Polish construction sites, bring undoubtedly good results by eliminating many hazards for life and health of construction workers and reducing the number of accidents at work. However, the lack of commitment of some employers, as regards both fostering the right patterns of behaviour among workers (low level of OSH training) and organising an efficient OSH service (e.g. conducting internal inspections and monitoring of work safety), as well as the outflow of qualified and

experienced workers from the labour market constitute a significant obstacle in the process of creating a safe work environment.

This is confirmed by a visible decline of irregularities occurring in places where investments were carried out by **specialist construction companies, with many years of experience in the sector**, having a well organised OSH service, ensuring to workers of all companies engaged in the construction process a level of safety and health protection consistent with legal regulations, and effectively enforcing the observance of OSH provisions by subcontractors.

In order to ensure the expected and legally required level of work safety in this industry, NLI continued the so-called **short inspections**, repeated several times on the same construction site. They serve as an efficient and quick tool used to eliminate direct hazards for health and life of those working on construction sites. Inspectors' activities focused entirely on direct hazards, which helped reduce accidents. Follow-up inspections of construction sites were conducted until direct hazards were permanently eliminated and they motivated entrepreneurs organizing work to be more mindful of the safety of workers.

In **forestry service companies** (255 of them were inspected) many irregularities were revealed concerning, among others, preparation of workers for work. In one third of the companies workers did not undergo initial or periodic training on safe work methods; however, the scale of irregularities in this area is lower than in previous years. In 30% of the companies workers were not offered initial or periodic medical examinations. In 4 out of 10 companies workers were not provided with personal protective equipment required for lumbers or the equipment was so worn-out that it had lost its protective function. In 1 out of 5 companies workers were not given work clothes and footwear, which is particularly important when working in the forest area. Labour inspectors also had many reservations concerning organization of workplaces: irregularities in tree cutting occurred in 32% of the inspected companies, the lack of safe work instructions – in 31%, the lack of supervision of particularly hazardous tasks – in 38%. While the law observance in most of the inspected areas



has improved when compared with inspection results from 2019-2020, the extent of violations remains significant, which makes it necessary to continue the NLI's activities in the following years.

In 2020 NLI also inspected entities involved in **crop production**, mainly cereal and potato cultivation, as well as **animal production**, mainly breeding of dairy cattle, beef cattle, poultry and pigs. In the period of the last three years in the inspected companies there were **134 work accidents out of which 78% occurred in animal production facilities**. This is due to the fact that there are more hazards related to animal production, particularly when direct contact of a worker with animals is required. Accidents caused by animal aggression accounted for 20% of all the accidents. Other accidents were the result of a fall, being hit by mobile machine parts, being crushed by a means of transport or contact with a sharp object. **Inspections of the technical condition of machines and equipment** used for work in agriculture revealed risks for life and health of workers. They were related to the lack of guards on articulated telescopic shafts, drive systems of machines and equipment used in the production process and of workshop equipment. **Out of 816 inspected machines, 34% did not fulfil safety requirements**. There were also irregularities related to the lack of safety signs, descriptions of control elements and user instructions of the machines and equipment. Numerous irregularities were also revealed in the area of **electrical devices and installations**, including those posing a risk of an electric shock. Among 110 inspected electrical devices and installations, 44% were not consistent with the requirements of the legal provisions.

Inspections were also conducted in facilities responsible for **municipal services management** (sewage treatment plants, waste management companies and thermal waste disposal companies). Labour inspectors verified working conditions of employees. Work in such facilities is related to various types of health hazards. In work processes, in addition to accident risks inherent to the type of used technical equipment, exposure to harmful biological agents (viruses, pathogenic bacteria, fungi) is of much importance, just like exposure of the musculoskeletal system to load, arising from the need to lift and carry

heavy objects and to take awkward body postures during work.

Works conducted in **sewage treatment plants** are considered to be particularly hazardous ones, and subject to special procedures. Therefore, **the occupational risk assessment** related to the work performed, including the correct identification of occupational hazards, is an important element of creating work safety culture in these facilities. Irregularities in the area of risk assessment were revealed in 64% of inspected entities. In nearly one third of the inspected companies employers did not take into account hazards related to harmful biological agents. Additionally, in 23% of the sewage treatment plants labour inspectors detected irregularities related to the **general ventilation** of rooms – either gravitational or mechanical. Labour inspectors had reservations concerning the correct **organization of particularly hazardous works**. 23% of inspections revealed an incorrect list of particularly hazardous works or lack thereof as well as failure to specify detailed OSH requirements when performing these works. Inspectors also observed the lack of required **emergency equipment** – among others the sufficient number of air apparatuses for the persons securing other workers, mobile equipment for removing an injured person from the sewer in a head-up position, the sufficient number of grappling hooks in the case of open reservoirs. In one third of all sewage treatment plants there were problems with personal protective equipment which was either not provided to workers or not used by them, whereas in one in four – with providing workers with protective clothing and footwear. In 17% of sewage treatments plants employers failed to make **measurements of a harmful biological factor**. Additionally, in 34% of plants workers were not given access to vaccination. As regards access to **sanitary facilities and equipment**, irregularities were found in more than half of the plants; they included, among others, failure to ensure the required changing rooms with airlocks to workers having contact with waste water and lack of required facilities – showers and drying rooms.

Similarly, many employers in **municipal waste collection** services consider biological risk factors, invisible to the naked eye, as an abstract hazard which



can be ignored. **One in five workers** in the inspected companies were exposed to harmful biological factors. In 30% of the inspected companies there were irregularities related to the way **work clothing** was given out. Workers were not provided with the required work clothing, which resulted in them wearing their own clothes when collecting municipal waste. Washing and maintenance of the work clothing were not provided to workers. In the above-mentioned companies it is still common for **workers to ride on the back steps of load containers** of waste collection vehicles despite the fact that OSH provisions prohibit to do so. This constitutes a major accident risk.

In 2020 there were in total **72 inspections** in companies of various sectors where due to the characteristics of the workplace, equipment or substances and mixtures used, an **explosive atmosphere** may exist, and workers employed in these companies are put in danger. These inspections were aimed at verifying the level of explosion safety in the companies, and checking the implementation of *the Regulation of the Minister of Economy of 8 July 2010 on the Minimum Occupational Safety and Health Requirements related to the Possibility of Occurrence of an Explosive Atmosphere in a Workplace*. The safety level in companies where an explosion risk may exist should be of the highest standard. Yet labour inspectors found violations of OSH provisions in as many as 94% of the inspected facilities. Inspection results indicate that one third of the inspected entities have persisting problems with the implementation of the explosion safety provisions of the regulation on explosive atmospheres despite the fact that it has been in force for 10 years. This is particularly the case for micro- and small enterprises. This situation may result from the inspected entrepreneurs' insufficient level of knowledge and application of security measures preventing explosions and protecting against their effects. According to what some of them say during inspections, the provisions of this regulation are ambiguous and difficult to interpret.

In 2020 the National Labour Inspectorate's activity was oriented toward inspection and supervision as regards compliance with **the labour law** and in the scope defined in **other provisions according to which the labour inspectorate conducts inspection**

**proceedings and activities** (including applying legal measures) other than the ones provided for in *the Act on the National Labour Inspectorate*. In the area of legal protection of labour, inspectors also verified driving time, down time, obligatory breaks and rest periods of drivers and compliance with the provisions on Employee Capital Plans. However, both **the inspection activity and the level of compliance with the existing legislation observed during inspections were to a large extent affected by the socio-economic situation caused by the outbreak of the COVID-19 epidemic**; however, in some areas a slight decrease in the occurrence of labour law violations was also noticed.

The epidemic and measures taken to limit its impact triggered economic difficulties for some entrepreneurs and the necessity to change work organisation. The need to maintain financial fluidity pushed entrepreneurs to decrease ongoing costs of conducting business activity; in some cases also to make redundancies. Some of the decisions in this area were made in violation of the existing legal provisions. This situation was further compounded by **interpretation problems resulting from the new legal regulations introduced to combat the COVID-19 epidemic, which made it difficult for the employers to prepare for the implementation of duties imposed by these regulations**. These factors had a negative impact on workers' ability to receive adequate protection of their rights.

Violations of provisions on the **payment of remuneration and other benefits resulting from an employment relationship** remain frequent. Violations of the Labour Code in this respect were found during every fifth inspection (which was similar to previous years). Problems with payment of remuneration in a timely manner escalated in the reporting year; however, among the most frequent irregularities one should also mention failure to make payments in lieu of the annual leave and failure to pay remuneration for overtime work.

The extent of non-compliance with **the working time** regulations also needs to be emphasized, especially as regards the obligation to establish working time systems and schedules, as well as reference

periods in a collective agreement or workplace rules, or in a notice (if an employer is not subject to a collective agreement or is not obliged to establish workplace rules), and the obligation to keep working time records. Irregularities in this area were detected on average during every third inspection. These violations – as it has been mentioned for many years – may seem to be of a purely formal nature but they prevent correct planning of the working time and payroll processing, and consequently lead to faulty calculations of wages and other work-related benefits.

It is also worth mentioning that on numerous occasions, **when benefiting from the so-called anti-crisis shields, employers failed to fulfil the obligations resulting from the labour law.** For example, there were problems with keeping correct working time records of remote work, and changes in the working time systems and schedules, introduced following e.g. working time reduction, were not reflected in the company regulations, pursuant to art. 150 § 3 (2) of the Labour Code.

In such situations labour inspectors, without workers' involvement and evidence provided by them, have a limited ability to establish the actual working time. On the other hand, workers who are still employed by the inspected entrepreneur are concerned about the loss of their jobs and very often show no interest in providing information which might incriminate their employer.

The National Labour Inspectorate continued inspections of compliance with the provisions on **employee capital plans**. In 2020 there were 206 inspections, including 6 inspections initiated following workers' complaints. Irregularities were found in 8.7% of inspected employers. Contracts for management and implementation of employee capital plans were in most cases concluded within time limits specified in the legislation.

As regards inspections of compliance with the prohibition to conclude civil law contracts under circumstances suggesting the existence of an employment relationship, it should be pointed out that the proportion of inspections which revealed irregularities regarding the use of civil law contracts

slightly decreased (from 14.2% to 12.3%) as compared to the previous year.

On the other hand, irregularities related to the application of the provisions on the payment of remuneration amounting at least to **the minimum hourly wage** for those working on the basis of civil law contracts were observed during nearly 30% of inspections (which was similar to 2019).

In 2020 labour inspectors conducted inspections which covered the issues resulting from the National Inspection Strategy for 2019-2020 pertaining to the provisions on **driving time, down time, obligatory breaks and rest periods of drivers**, as well as selected issues related to the compliance with drivers' working time provisions. Inspectors conducted 401 inspections of 400 employers. Inspections covered 378 087 work days of 2 284 drivers. As compared to the previous years, the type of the most frequent irregularities remained the same, while – as compared to the last year – their scale decreased.

In the reporting year there were 227 inspections of compliance with the regulations on the employment of **juveniles**. Inspection results showed that the irregularities mainly concerned failure to inform legal representatives of a juvenile worker about the occupational risk and the measures of protection against risks, as well as failure to fulfil the obligation to keep various records related to the employment of juveniles.

Inspections conducted in **educational facilities** in 2020 confirmed the irregularities revealed in previous years which concerned conclusion and termination of employment contracts with teachers, payment of wages, use of the annual leave and functioning of the social benefit fund.

Year 2020 saw the continuation of inspections in large-format **commercial** stores and smaller shops. Inspections were conducted in a comprehensive manner – verification covered both the legal protection of labour and occupational safety and health, as well as compliance with the provisions on limitation of trade on Sundays, public holidays and some other days. Inspection results show a slightly different structure of

the irregularities, as compared to the previous years, and a more significant scale of these irregularities. This was mainly caused by the socio-economic situation resulting from the restrictions introduced due to the COVID-19 epidemic. Starting in March 2020, stores of various branches worked longer hours, or even stayed open around-the-clock, which – due to increased sickness absence, workers staying in quarantines or benefiting from the child care allowance on a mass scale because of closed schools and kindergartens – caused problems with the planning and calculation of the working time as well as with granting leaves. In other stores which, unlike groceries and drugstores, were closed for a relatively long time and struggled with a decreased demand for traditional offline shopping while the running costs remained unchanged, payment of wages in a timely manner became an escalating problem. The 3-year-long tendency indicates that the level of violations of the provisions on the technical safety of labour remained stable in large format stores and continued to increase in smaller retail shops. On the other hand, as regards the limitation of trade on Sundays, public holidays and some other days, inspections showed a high level of compliance with the regulations in this area, and violations were mostly observed in smaller stores.

Although the results of inspections on the legal protection of labour indicate that the epidemic was a significant factor triggering irregularities, it cannot be perceived as their main cause. The violations revealed also stemmed from the poor work organisation or deliberate breaches of regulations in order to increase profitability. Furthermore, among the main causes of irregularities remain the lack of knowledge of legal regulations, their lack of clarity and their frequent changes. The information collected confirms the findings made in the previous years, in particular those pointing at the need to introduce some legislative changes in certain areas.

When analysing the inspection results and the effects achieved, one should take into account that apart from carrying out inspection and supervision activities in the area of compliance with the labour law, the National Labour Inspectorate is responsible for a lot of tasks going beyond the above-mentioned issues. In 2020 **the labour inspectorate was given**

**new tasks resulting from the so-called anti-crisis shields; the list of offences against employee rights, prosecuted by labour inspectors, was also extended.** The above-mentioned duties had a major impact on the scope of activities of the Institution and made it necessary to distribute tasks in a way so as to ensure that all the priorities are tended to at the highest possible level.

In 2020 the **first inspection strategy** for the first time covered only micro-enterprises (1-9 employees) and small enterprises (10-49 employees) operating in the market for not longer than 1 year and which had not been previously inspected. The inspections had a comprehensive character. Almost every one of 768 first inspections revealed various types of irregularities, and relevant legal measures, such as decisions, improvement notices and instructions, were issued. The inspections showed that the tasks of the occupational safety and health service in micro- and small enterprises are carried out by external specialists. They often provide such services for many companies from various sectors. Documents prepared by these specialists are copied and are not adapted to the working conditions and risks existing in a given workplace. The irregularities found by labour inspectors – despite the fact that they concern mostly the obligation to keep relevant documentation related to the employment relationship – have a significant impact on how fundamental employee rights are exercised. Illegal employment or illegal other paid work were found during 221 inspections, which amounts to 28.8% of all inspections conducted in the framework of the first inspection strategy.

There were 302 **follow-up inspections**, i.e. in 39% of the companies covered by the first inspection strategy, which showed that in 25% of cases the improvement was long-lasting and satisfactory enough so that no further intervention of a labour inspector was required. The most frequent irregularities which were not eliminated and recurred in the companies' ongoing activity concerned occupational safety and health training and preventive medical examinations. In conclusion, conducting inspections which are audit- and advice-oriented favours an improvement of compliance with the regulations on the legal protection of labour.

In 2020 NLI labour inspectors checked **the legality of employment of over 66.6 thousand Polish nationals**. Illegal employment or other illegal paid work were found in the case of 8.7 thousand people, which corresponds to 13% of all the inspected individuals (in 2019 – 11%, in 2018 – 10%).

In 2020 inspections were conducted in these areas where irregularities were most likely to be found taking into account several factors. Inspection results show that the extent of irregularities related to engaging individuals on an informal basis is still considerable; however, as far as some parameters are concerned (notification submitted by an unemployed person to a local labour office about taking up employment, other paid job or starting a business activity), there was a decrease in the number of cases revealed. The time of the epidemic certainly was a contributing factor to the increase of the number of people working in the informal sector, particularly in the entities which did not benefit from the support mechanisms offered by the government. The loss of the financial liquidity forced employers to look for savings in the area of employment. As the number of inspections conducted by the National Labour Inspectorate during the COVID-19 epidemic dropped (due to the fact that inspection activity was temporarily limited), a lot of cases of illegal work remained undisclosed. Knowing about these limitations in the inspection activity, some employers decided to engage workers illegally, fearing no punishment as there was no risk of inspection. Year 2020 was peculiar and it is difficult to establish a comprehensive and accurate diagnosis of the phenomenon of illegal work in Poland. Its scale can hardly be measured and one can certainly draw no conclusions based only on the results of inspections conducted by the National Labour Inspectorate. Employing workers and performing work in the grey economy depend on several macro scale factors (related to the economic condition of companies) and on individual needs of employers and workers (financial constraints or mutual decision of both parties).

Another year of the National Labour Inspectorate's activities aimed at eliminating illegal employment by means of inspections showed that in many cases labour inspectors deal with "falsely declared work" instead of "undeclared work". Entrepreneurs are

aware of the fact that labour inspectors, rather than looking to prove illegal employment (e.g. when there is no employment contract), find it more difficult to challenge a civil law contract, as it is more time-consuming and requires more effort due to the need to initiate a claim for the existence of an employment relationship. This is why they often conclude a civil law contract with a person that they seek to engage, instead of an employment contract, or offer jobs to the self-employed. As practice shows, **workers' working time is often longer than what is stipulated in the contract, or the wages are paid "under the table" in the higher amount than the one stated in the contract**. The activities of the National Labour Inspectorate should therefore be targeted not only at disclosing and eliminating cases of illegal work, but also of work which was declared but in the wrong way. What is more, the National Labour Inspectorate recognizes the need to strengthen its cooperation with institutions competent in the field of **taxes and social insurance contributions**, which should consist not only in exchanging information on suspected violations of the relevant legislation by inspected entities, but also in conducting joint inspections preceded by an appropriate risk assessment and selection of entities to be inspected, also based on the information that these institutions have.

The inspections conducted in the reporting year verified **legality of employment of over 19.3 thousand foreigners**, including 7.2 thousand individuals working on the basis of statements on engaging a foreigner and 0.6 thousand individuals working on the basis of permits for seasonal work.

The inspections revealed illegal employment of 2 817 foreigners from 38 countries, which constitutes 14.6% of inspected third-country nationals (2019 – 13.7%, 2018 – 11.5%).

In the case of foreigners working on the basis of statements on engaging a foreigner, the proportion of those employed illegally was 17.3%, and among those working on the basis of permits for seasonal work – 6.6%.

Among the illegally employed foreigners the most numerous were Ukrainian nationals – 2 388 individuals,

i.e. 15.1% of Ukrainians subject to inspections (in 2019 – 13.6%, in 2018 – 11.7%), which is also 84.8% of all the illegally employed foreigners.

Inspection results in the area of legality of employment of foreigners show that the scope of irregularities detected by labour inspectors did not differ considerably from previous years. That was to a large extent the result of **amendments of regulations on legality of employment and residence of foreigners in the territory of Poland** introduced by the legislator in the framework of the so-called anti-crisis shields. Legal solutions applied, particularly prolongation, by operation of law, of validity of temporary residence permits, domestic visas, work permits and legal duration of work on the basis of a statement on engaging a foreigner – in the cases where the rights resulting from these documents would end in the period of the epidemic risk or of the state of epidemic declared due to SARS-CoV-2 infections, made it possible for foreigners to continue working legally in Poland in the face of difficulties with completing formalities in voivodship offices or local labour offices, necessary to allow foreigners to enter the Polish labour market.

The biggest problem continues to be work of foreigners under conditions which are inconsistent, in terms of the number of working hours, with what has been stated in the registered statements on engaging a foreigner or the work permits, which as a general rule qualifies as illegal employment.

Labour inspectors keep encountering problems with inspections of the so-called **outsourcing agencies**. These entities – often despite employing a significant number of foreigners formally for their own use – in reality do not run any work establishments and while providing services for the benefit of other entities, they actually do not engage foreigners to work in their companies' premises but, for instance, in the territory of another voivodship. Furthermore, in many cases the outsourcing mechanism allows to circumvent the temporary work regulations or is used to hinder the inspection and make it take more time.

Inspections conducted in a situation where many institutions opted for remote work strengthened

the necessity, already expressed in previous years, to be able to quickly receive online information about foreigners, e.g. as regards the legal basis for a foreigner's entry in the territory of Poland, residence documents issued to foreigners, or registration with social security. Giving labour inspectors access to foreigners' data necessary for inspection purposes and collected by other institutions, e.g. the Border Guard or the Social Insurance Institution, will reduce the time of inspection and enable effective completion of tasks related to the legality of employment, other paid work, and performance of work by foreigners.

In the reporting period labour inspectors effectively carried out priority inspection tasks related to the operation of **employment agencies**, which consisted mostly in eliminating illegal employment agencies, preventing violations of rights of people sent to work abroad by entities offering job placement services or violations of rights of temporary workers, also by circumventing the provisions of the *Act on Employment of Temporary Workers*.

In 2020 there was a decrease in the number of violations of regulations concerning the provision of employment services; such violations were revealed in **59% of inspected entities** (in 2019 – 64% of inspected entities, in 2018 – 60%).

Illegal provision of services of an employment agency was found in 35 entities, i.e. 8.7% of inspected entities (in 2019 – 11.5%, in 2018 – 10.5%). The majority of these entities provided temporary work services (26 entities). Illegal job placement activity was conducted by 12 entities, including 9 entities only providing services requiring a certificate for job placement services, out of which 6 entities provided services consisting in sending workers abroad to work for foreign employers.

Inspections confirmed the significance of services of **temporary work agencies** in the Polish labour market, which continue to be popular among entrepreneurs of various sectors who make use of such services to employ workers or engage them on the basis of civil law contracts. This seems to be the reason why illegal provision of services of an employment agency usually concerned temporary



work, and the cases found during inspections showed an increasingly frequent circumvention of *the Act of 9 July 2003 on the Employment of Temporary Workers* with the use of other forms of employment replacing temporary work, despite features indicative of temporary work.

Using **temporary work** as one of the flexible forms of employment usually stems from the increased demand for staff. Entrepreneurs, however, pay less attention to statutory preconditions for its use, e.g. performing, for a given user-undertaking in a period not longer than what is specified in the Act, seasonal, periodic or ad-hoc tasks, or tasks which would be impossible to be completed by the deadline by the user-undertaking's own workers.

Therefore, in the reporting year and in the next years inspections in employment agencies have been oriented towards examining grounds for using temporary work by a given entrepreneur in the context of a demand for permanent employment, as well as paying special attention to the use of other services, particularly outsourcing, in order to replace temporary work.

Circumventing the regulations on the employment of temporary workers by using **outsourcing** gives the advantage of the lack of limitations which are characteristic of temporary work, e.g. the time limit of performance of temporary work or assigning jobs which are prohibited for temporary workers; entities using outsourcing also enjoy the economic advantage. As per the existing regulations, neither an entity outsourcing workers under conditions characteristic of temporary work (even if the entity is listed in the register of employment agencies) nor an entity using the labour of outsourced workers can be held responsible for an offence. The National Labour Inspectorate's interventions show an urgent need to implement specific legislative solutions and to involve other inspection authorities (Social Insurance Institution, tax offices) in the process of eliminating irregularities in the sector of employment agencies and temporary work.

In the reporting period, the National Labour Inspectorate also carried out tasks in the area of

the posting of workers in the framework of the provision of services.

The current trend in **the posting of workers from the territory of Poland** is associated with the presence in the Polish labour market of nationals of the so-called third countries who are sent abroad to perform work on a temporary basis. Inspections revealed cases of foreigners who had been engaged to work in Poland and then sent to work in another Member State; this also concerned foreigners whose legal work in Poland was based on a statement registered in a labour office. Abuses of the mechanism of posting referred to situations where a foreigner was formally engaged to work in a Polish entity and obtained documents confirming their legal stay and work, while the actual objective of employment was solely performance of work abroad. Irregularities related to the posting of workers, including foreigners, to perform work in other Member States concerned individuals employed in various sectors, e.g. construction or non-institutional care (care of the elderly or the ill provided in private apartments).

When analysing the situations of **posting of workers to the territory of Poland** by foreign employers, it should be concluded that the scale of this phenomenon is insignificant. The number of workers posted to Poland decreased as compared to the previous year. The irregularities in the procedure of posting result from failure to ensure appropriate employment conditions to workers and to fulfill the obligation to provide information. A considerable group of workers posted to Poland are third-country nationals (mostly Ukrainians). The irregularities related to the obligation to ensure appropriate working conditions to posted workers are linked to the violations of regulations on the legality of their work in Poland. Posting abuses take place also in situations where this mechanism is used for creating complex multi-level structures and subcontracting chains in which an entity after an entity takes control over the working process and it becomes difficult to establish who is responsible for the violations which in the end affect workers.

Inspections of posting of workers from and to the territory of Poland, as well of the intra-EU labour

mobility require cooperation with inspection authorities from other countries and information exchange between relevant authorities.

In 2020 information exchange between the National Labour Inspectorate and competent authorities from other countries covered in total **726 cases** (in 2019 – 763 cases, in 2018 – 572). The labour inspectorate cooperated with 16 countries, including 15 EU Member States and Norway.

In the reporting year cooperation and information exchange took place mainly via the **electronic Internal Market Information System – IMI**, in the posting of workers module. The module contains forms with questions concerning the posting of workers used by institutions to obtain information. Additionally, the National Labour Inspectorate receives via the IMI system requests from foreign institutions to notify Polish entities posting workers of administrative penalties or fines imposed on them for violating posting regulations existing in the host country, as well as requests for recovery of such penalties or fines (to be collected by the Polish fiscal authorities).

The cooperation via the IMI system covered in 2020 in total **718 different requests**. The cooperation was particularly frequent with **Austria (348 cases)**, Belgium (165), Germany (53) and the Netherlands (40). Among all the requests, 700 were addressed to NLI by foreign institutions. Only in 18 cases the IMI system was used by NLI to initiate cooperation with competent foreign authorities (in 2019 – 34 cases, in 2018 – 16).

Requests of foreign institutions, particularly inspection authorities, sent to NLI prevailed in 2020, as in previous years. They were mostly requests **to verify specific cases of posting of workers of Polish companies**, sent to work abroad, including the issues related to the occupational safety and health and working conditions of posted workers, requests for delivery of documents to a service provider and the so-called urgent requests (requests to provide available data, without the need to make any special findings) – **in total 71% of all the requests**.

On the other hand, IMI requests sent by the National Labour Inspectorate to competent authorities in other

countries related to the **necessity of obtaining information** concerning accidents at work involving workers of Polish companies posted to work abroad, temporary workers sent to work for foreign employers-users by Polish employment agencies or these were requests lodged in connection with alleged violations of legislation of host countries by Polish companies posting workers abroad, including those resulting from posted workers' complaints lodged with the NLI.

Cooperation with foreign authorities and institutions and the exchange of information concerning posting of workers, particularly with the use of electronic communication tools should be assessed **positively**. Popularization of the IMI system as the tool for exchange of information facilitated unification of standards and fastened the pace of cooperation.

Objections raised by the National Labour Inspectorate for a longer period of time refer to the **deadlines for submitting information through the IMI system** (up to 25 days from the date of receipt in the so-called standard matters or 2 days in case of the so-called urgent one). The deadline set to implement the requested actions and submit a reply is too short by far.

Another issue is **the timeliness and quality of information submitted** to the NLI by competent authorities from other countries. In many cases, submitted materials do not meet the requirements imposed in the provisions of EU directives as regards administrative cooperation and exchange of information at transnational level (e.g. do not refer to specific workers covered by the request or the information is too general – based on a quoted legal provision).

The National Labour Inspectorate pays great attention to **preventive and promotional activity**, which is aimed at supporting employers in creating safe working environment i.e. in eliminating or reducing accident risks, and in observing legal provisions. These activities complement inspection and supervisory activities which are aimed at efficient enforcement of labour law provisions, including those on occupational health and safety and legality of employment.



The outbreak of COVID-19 pandemic in 2020 forced temporary suspension of traditional forms of reaching a lot of recipient groups and significantly limited the implementation of scheduled preventive and promotional activities.

The objective of all actions of the National Labour Inspectorate is to **ensure safe, healthy and ergonomic working environment**. In 2020, efforts to reach such a target, **in the area of safety and promotion of labour protection**, consisted in:

- **popularization of patterns of safe work culture**, responsibility for executed tasks in the scope of protection of life and health of one's own, coworkers and other employed persons,
- **popularization of preventive measures** resulting from analyses of accidents at work,
- encouraging employers, workers, OSH service representatives and social labour inspectors to **increase their knowledge** on occupational risks and efficient methods of counteracting these risks,
- **supporting employers** in ensuring safe and healthy working conditions through implementation of specialized preventive programmes,
- **organizing informative and advisory initiatives** and **provision of materials** for self-learning in the scope of OSH for employers and workers.

Preventive activity brings good effects, it changes the attitude of employers and workers to labour protection issues. It greatly supplements inspections, because the multiplicity of informative and educational tools developed by the NLI allows to reach synergy in efficient enforcement of labour law and ensuring safe working conditions in the workplace.

Among such activities carried out in 2020, the following ones should be mentioned in particular:

- **Preventive and inspection campaign 'A good recipe for safety'**

In 2020, the second stage of campaign scheduled for the years 2019-2021 has been implemented. The campaign covers preventive and inspection

programme 'Safety and health at work in meat processing establishments', as well as media activities. This long-term initiative is implemented in accordance with the NLI campaign formula which assumes combination of inspection and preventive activities addressed at a specific high-risk branch.

Establishments dealing with meat processing are enterprises with numerous and serious occupational risks (moving parts of machinery and equipment, hot surfaces, fat, steam, dangerous chemical substances, risk of slipping, tripping and falling, low temperatures, high humidity, biological factors, noise, electricity, vibrations, organic dust).

The campaign is aimed at eliminating accident risks in the sector by enabling employers to adapt their establishments to applicable provisions through participation in the preventive programme based on the principle of self-inspection.

- **Preventive programme for small enterprises 'Accident prevention'**

It is a multiannual programme, mainly addressed to small enterprises employing up to 50 workers. Its basic objective is to provide employers with specialised support in their actions aimed at reducing occupational risks and eliminating recurrence of accidents and, consequently – reducing the number of accidents. Mainly employers operating in branches with increased accident rate and entities with an increased number of work accidents in recent years are invited to participate in the programme. When selecting enterprises, account is taken of accident data provided by the Social Insurance Institution which serves as the basis for calculating diverse amounts of social insurance contributions as well as the National Labour Inspectorate's data.

Participation in the programme is voluntary and allows to attend training events covering, among others, issues relating to analysis of accidents at work. Moreover, during training events, the employers were familiarized with the objectives and all stages of the execution of the programme and received informative and training materials to assist them with self-inspection in the scope of work safety management in an enterprise. Programme participants could also

benefit from the assistance of labour inspectors through individual consultations or workshops dedicated to occupational risk management.

- **Preventive programme “Obtain the NLI’s diploma”**

This is one of the oldest and best known NLI’s preventive programmes. It is mainly addressed to employers engaging up to 9 workers. However, in case of branches with increased level of occupational risks (manufacturing, construction), employers engaging up to 20 workers may also participate in the programme.

The programme provides employers with assistance in adapting their establishments so as to comply with labour law provisions, in particular in branches with significant risks to health and/or life. Promotion of the issue of safe work and compliance with labour law in micro-companies is facilitated by cooperation with partners capable of supporting the NLI’s program (including through recruitment of the programme participants), such as: county labour offices, the Convention of Directors of County Labour Offices, local authorities, employers’ organizations, groups of manufacturers, the Social Insurance Institution. The program is carried out on the self-inspection principle.

- **Preventive programme ‘Counteracting negative effects of stress in the workplace’**

The programme sees high interest of employers and has the following goals:

- ✓ disseminating the knowledge of stress, its sources, its influence on human body in physical and mental terms and teaching the ways and techniques of coping with tension, stress or anxiety;
- ✓ identification of stressors in a given work environment, in a given team of workers;
- ✓ disseminating the knowledge of mental risk factors in the workplace i.e. bullying, discrimination, unequal treatment, harassment, aggression, violence, etc.;
- ✓ familiarizing participants with objectives and rules of anti-bullying, anti-discrimination, and equality policies or integrity code, applied in selected work establishments.

In the reporting year, all information activities

relating to counteracting stress in the workplace were conducted in two ways:

- physically, in compliance with sanitary requirements,
- through online trainings.

- **Informational and educational programme ‘Construction site. STOP accidents!’**

‘Construction site. STOP accidents!’ is a continuation of long-term NLI’s activities aimed at eliminating accidents in construction works with the objective to support inspection activities. The goals of the programme are: dissemination of knowledge on existing risks, promotion of safe behaviour and implementation of increased OSH standards when organizing and carrying out works on construction sites.

In the reporting year, both direct and remote methods of preventive influence were used so as to reach as broad group of recipients as possible.

Informational and educational activities in construction are supplemented by the cooperation with **Alliance for the Safety in Construction** which associates 14 largest general contracting companies in the territory of Poland. In the reporting year, in the framework of initiatives co-organized with the Alliance, in the period 5-11 October, labour inspectors participated in the **‘Safety week’ on construction sites**, initiated by the signatories of the Alliance. In 2020, the slogan of the initiative was **‘The team holds safely’**.

An important form of promoting safety on construction sites is the National Labour Inspectorate’s participation in sectoral mass events. In 2020 construction fairs and exhibitions were rare due to pandemic restrictions and assembly bans. The leading event was BUDMA 2020 International Construction and Architecture Fairs in Poznań, which took place on 4-7 February 2020. The National Labour Inspectorate, in cooperation with the Alliance for the Safety in Construction organized the conference ‘Build safely. Supervision and prevention on construction sites’, which was combined with the festive summary of the nationwide stage of the contest **‘Build safely’** (2019 edition).

- **Educational and informational programme 'Working time of drivers and road accidents'.**

In 2020, the long-term initiative 'Working time of drivers and road accidents', promoted with the slogan 'Do not drive without a break' was continued. Its objective is to raise awareness of employers of legal and economic consequences of accidents resulting from breaches of provisions on drivers' working time.

Activities carried out in the reporting year were mainly addressed at two target groups:

- professional drivers, including workers and/or self-employed persons in the transport sector,
- employers/ entrepreneurs employing professional drivers.

The basic forms of implementation of these tasks were training events and informational activities. Due to pandemic restrictions, the majority of training events in the reporting year either took place online or consisted in self-learning. Training events attracted much interest and received positive comments from road carriers and other participants. During the training events, issues relating to the leading topics of the programme were discussed, including changes in the driving time and rest periods of drivers resulting from the so-called mobility package which came into force on 20 August 2020.

Many initiatives were implemented in cooperation with partner institutions, among others, provincial Police headquarters, Inspectorate of Road Transport, associations of carriers and employers' organizations.

- **Preventive and promotional activities in individual farming 'Respect life! Safe work on a farm'**

For years the National Labour Inspectorate has been carrying out multi-level preventive activities aimed at elimination of accidents and diseases in individual farming, addressed to farmers and their families, including children and adolescents.

In the reporting year, just as in the preceding years, these activities mainly consisted in farm visits and educational initiatives addressed to the inhabitants of rural areas. During their visits, labour inspectors drew attention of farmers to accident risks on their farms, paid attention to the condition of farmyards' surface and safeguards of sewage manholes. Field

work sites were also visited. Personal meetings also enabled to draw farmers' attention to risks which are frequently overlooked or underestimated. Discussing irregularities allowed their verification in terms of safety, ergonomics and the way each individual task was performed.

In educational activities addressed to recipients from rural areas, the National Labour Inspectorate used many forms of popularization such as: training events, advisory meetings, lectures at universities and schools as well as safe work demonstrations for trainees. At training events for farmers, most common risks related to their work as well as efficient preventive methods were discussed. Instructional movies were displayed and good practices were presented. Educational classes for children and adolescents were enriched with knowledge contests, distribution of educational games and movies on DVDs as well as brochures with thematic information.

The NLI workers initiated and organized promotional and popularizing initiatives, thanks to which the farmers as well as their families could broaden their awareness of risks connected with working and living on a farm.

- **Educational programme "Safety culture"**

The programme is addressed to adolescents above 15 years of age and its objective is to shape the awareness of working environment risks as well as to broaden and consolidate their knowledge on the legal protection of labour.

NLI carried out the programme in partnership with: schools, universities, educational authorities, county Police headquarters and Voluntary Labour Corps. The programme was launched with training events for teachers interested in giving classes to adolescents. The National Labour Inspectorate provided them with teaching aids such as: a teacher's guide together with multimedia materials on DVD, developed by the Central Institute for Labour Protection – National Research Institute, a guide issued by the Social Insurance Institution titled 'In the first job' as well as its own educational publications.

**Contests** for various groups of recipients

constitute specific culmination of activities in different thematic areas. They are a very important popularizing tool which activates individual circles to act in favour of safe work, in accordance with the law. In 2020 the following ones took place, among others:

- ✓ 'Employer – Safe Work Organizer',
- ✓ 'The Most Active Social Labour Inspector',
- ✓ 'Know your rights at work' contest on labour law and OSH addressed to pupils of post-gymnasium schools.

The National Labour Inspectorate's **publications** are developed in a way so as to serve as a tool supporting inspection activities, advisory and educational initiatives as well as current informational campaigns and preventive programmes.

Altogether **53 publications** were issued in 2020, of which 37 were updated ones and **as much as 16 were new titles**. Due to pandemic-related restrictions in the scope of face-to-face meetings with recipients of the NLI's activities, it was decided to temporarily publish selected items only in the electronic form. Nonetheless, **29 publications, including 5 new titles, were printed** in the reporting year.

As every year, the most popular publications relating to legal protection of labour and technical safety of work were updated, i.e. '**Labour law. A guide for employers**' and '**ABC of OSH**'.

For the purposes of preventive activities in agriculture, the following titles were reissued: 'Be safe on a farm', 'Safe in the countryside' and 'Countryside adventure'.

Five additional safe work cards for **construction site work posts** were published in the **Ukrainian language**.

The leaflets: 'Tick diseases', 'Safe work in a hard coal mine', 'Mental risks in a slaughterhouse' as well as 4 OSH cards from the series addressed to the transport branch – ADR 'Transportation of dangerous goods', 'Duties of transport participants', 'Principles for safety of loads' and 'Proceedings in case of emergency' were amongst the **new publications in 2020**.

In general, the volume of the National Labour Inspectorate's publications amounted in 2020 to **245 thousand copies**.

All publications of the National Labour Inspectorate are available to download from our website [www.pip.gov.pl](http://www.pip.gov.pl).

In fulfilling its duty in the scope of prevention and promotion in the area of protection of labour, the National Labour Inspectorate cooperates with numerous partners, including trade unions, employers' organizations, associations of OSH service workers, local units of the state administration and local authorities. These institutions join training events, contests, conferences and other events organized by the NLI. It is particularly worth emphasizing that in 2020, in the framework of initiatives going beyond the scope of long-term and permanent tasks as provided for in the work programme, district labour inspectorates organized training events for almost 3.2 thousand participants, including over 600 employers and entrepreneurs who do not engage workers, approx. 230 workers, approx. 800 social labour inspectors and almost 600 OSH service representatives.

#### ● Cooperation with international institutions

In view of continuous changes in the labour market, the National Labour Inspectorate puts emphasis on active **international cooperation**, focused both on sharing its own achievements as well as learning from the valuable experience of foreign partners, thanks to which the authority of centennial tradition remains open to new phenomena and ready to face new challenges.

Due to pandemic situation in the reporting year, only one plenary meeting of the **Senior Labour Inspectors' Committee (SLIC)** took place. During a video conference attended by the Chief Labour Inspector, a training manual dedicated to labour inspectors on the OSH of work equipment was approved as well as the opinion on the input of SLIC to a renewed EU strategy on occupational safety and health, specifying SLIC priority areas: enforcement, traditional and new risks, new forms of work, expanding the knowledge as well as communication and cooperation was adopted. Moreover, a discussion was initiated concerning a new SLIC work plan and

the future structure of the Committee and its working groups, actions undertaken by national labour inspectorates during the coronavirus pandemic were presented as well as preliminary conclusions concerning effects of the pandemic on work. Due to the need of reorganization of work in a short time period and the ability to react in order to ensure safe and healthy working conditions in the pandemic circumstances, European inspection services mobilized their staff and engaged social partners and entities dealing with OSH prevention in order to work out guidance and implement new law enforcement measures as quickly as possible. Cooperation with authorities competent in the scope of public health was tightened and numerous preventive activities in workplaces were initiated, both in the form of inspection visits and through the promotion of information materials and guidance on national labour inspectorates' websites; advice and guidance was also provided. In numerous countries, the importance of labour inspectorate increased and inspection services began to be seen as one of the main actors in emergency management.

Preliminary assessment of the pandemic consequences and the review of situation of inspection services in Member States was possible due to cooperation at the level of **SLIC working groups** and intensive exchange of information on tools and solutions applied as well as analysis of the situation of workers and employers in Member States through the **Knowledge Sharing Site (KSS)**. The NLI played an active role in these initiatives, sharing information on good practices and developed solutions. Development of input to a new EU OSH strategy was another effect of this cooperation. Amongst the **Administrative Cooperation Groups (ADCO)** with the participation of our representatives, particularly active was the personal protective equipment group, which undertook the discussion on the list of equipment protecting against Covid-19, market surveillance in the scope of the Regulation (EU) 2016/425 and conformity assessment procedures of protective and medical equipment in connection with the pandemic.

The year 2020 marks the initial period of existence of the European Labour Authority (ELA), a new EU authority responsible for cross-border mobility of workers. The NLI experts were engaged in the works of **ELA Inspection Working Group**. The group developed template documents for joint and concerted cross-border inspections, which are planned to be conducted in the years to come.

In order to support the process of Member States' preparations to implement the aforesaid task on the basis of the same standards and unified procedures, the ELA organized training events with the participation of the NLI representatives which were dedicated to tools and procedures for concerted and joint inspections and safe exchange of information.

In the reporting year, international cooperation of labour inspectorates in Europe, including Polish authorities, took alternative forms, with the use of new communication channels and tools of support. Through the participation of experts in numerous video conferences and intensive exchange of correspondence, the NLI fulfilled its tasks resulting from the membership in EC bodies and international organizations, contributing to the achievement of Europe-wide objectives in the sphere of labour protection, despite the pandemic.

#### Attachments:

1. Basic data on the National Labour Inspectorate's inspections in 2020.
2. The National Labour Inspectorate's staff in 2020.
3. Legal acts determining the NLI's competences in 2020.
4. Economic entities operating in Poland in 2020 as per the Polish Classification of Activities (data of the Social Insurance Institution).
5. Victims of accidents at work in 2020 as per the Polish Classification of Activities (data of the Statistics Poland).
6. Occupational diseases in Poland in 2019 (data of the Nofer Institute of Occupational Medicine in Łódź)<sup>1</sup>.

<sup>1</sup> Data for 2020 will be available in October 2021.

## Attachment 1

## BASIC DATA ON THE NATIONAL LABOUR INSPECTORATE'S INSPECTIONS IN 2020

<b>Inspections</b>	<b>56 371</b>
<b>OSH-related decisions, including those ordering to:</b>	<b>160 769</b>
<i>stop work activities</i>	<i>3 888</i>
<i>stop operation of machinery</i>	<i>4 656</i>
<i>transfer workers to perform other tasks</i>	<i>2 066 (relating to 4 325 persons)</i>
<i>conduct checks and measurements of harmful and arduous factors in the working environment</i>	<i>924</i>
<i>determine the causes and circumstances of a work accident</i>	<i>357</i>
<b>Requests lodged with the Social Insurance Institution to increase the accident insurance contribution</b>	<b>34</b>
<b>Decisions ordering payment of due benefits</b>	<b>3 883</b>
<i>covering the total amount of</i>	<i>PLN 78.5 M</i>
<b>Recommendations in improvement notices</b>	<b>157 007</b>
<b>Verbal instructions</b>	<b>8 677</b>
<b>Offences against the rights of persons performing paid work</b>	<b>36 484</b>
<b>Penalty tickets</b>	<b>9 823</b>
<i>covering the total amount of</i>	<i>PLN 11.7 M</i>
<b>Penalization requests lodged with courts</b>	<b>707</b>
<b>Disciplinary measures</b> (instructions, warnings, admonitions)	<b>8 636</b>
<b>Notifications lodged with public prosecutor of the suspicion of a crime</b>	<b>507</b>

## Attachment 2

## THE NATIONAL LABOUR INSPECTORATE'S STAFF IN 2020

	The National Labour Inspectorate			
	Total	Chief Labour Inspectorate's staff	District Labour Inspectorates' staff	Staff of the NLI's Training Centre in Wrocław
<b>Total, including:</b>	<b>2 660</b>	<b>236</b>	<b>2 372</b>	<b>52</b>
managers (excluding chief accountants)	29	27	-	2
labour inspectors in managerial positions (district labour inspectors and their deputies)	47	-	47	-
principal labour inspectors – heads of sub-district offices	43	-	43	-
other inspectors	1 486	-	1 486	-
trainee inspectors	104	-	104	-
specialists not performing inspection activities	406	142	255	9
workers registering and analysing labour inspectors' activities	165	22	137	6
accounting personnel, including chief accountants	78	10	64	4
administration workers	255	34	210	11
support workers	47	1	26	20



## Attachment 3

## LEGAL ACTS DETERMINING THE NLI's COMPETENCES IN 2020

1. The Act of 13 April 2007 on the National Labour Inspectorate
2. The Act of 26 June 1974 Labour Code
3. The Act of 14 June 1960 Administrative Proceedings Code
4. The Act of 17 November 1964 Civil Proceedings Code
5. The Act of 20 May 1971 Misdemeanours Code
6. The Act of 6 June 1997 Criminal Proceedings Code
7. The Act of 24 August 2001 Misdemeanour Proceedings Code
8. The Act of 6 June 1997 Criminal Code
9. The Act of 6 June 1997 Executive Criminal Code
10. The Act of 1 December 1961 on Maritime Chambers
11. The Act of 17 June 1966 on Enforcement Proceedings in Administration
12. The Act of 24 June 1983 on Social Labour Inspection
13. The Act of 6 April 1990 on the Police
14. The Act of 12 October 1990 on the Border Guard
15. The Act of 23 May 1991 on Settling Collective Disputes
16. The Act of 23 May 1991 on Trade Unions
17. The Act of 20 July 1991 on the Inspectorate of Environmental Protection
18. The Act of 25 October 1991 on Organising and Conducting Cultural Activity
19. The Act of 4 March 1994 on Company Social Benefits Funds
20. The Act of 29 June 1995 on Public Statistics
21. The Act of 10 April 1997 Energy Law
22. The Act of 27 June 1997 on Occupational Medicine Service
23. The Act of 27 August 1997 on Professional and Social Rehabilitation and Employment of the Disabled
24. The Act of 13 October 1998 on the Social Insurance System
25. The Act of 7 October 1999 on the Polish Language
26. The Act of 9 November 2000 on Repatriation
27. The Act of 29 November 2000 Nuclear Law
28. The Act of 21 December 2000 on Inland Navigation
29. The Act of 22 June 2001 on Microorganisms and Genetically Modified Organisms
30. The Act of 11 August 2001 on Specific Rules of Reconstruction, Repair and Demolition of Structures Destroyed or Damaged by a Natural Disaster
31. The Act of 6 September 2001 on Road Transportation
32. The Act of 5 April 2002 on European Works Councils
33. The Act of 21 June 2002 on Explosive Materials for Civil Use
34. The Act of 30 August 2002 on the Conformity Assessment System
35. The Act of 10 October 2002 on the Minimum Remuneration for Work
36. The Act of 30 October 2002 on Social Insurance with Regard to Work Accidents and Occupational Diseases
37. The Act of 9 July 2003 on the Employment of Temporary Workers
38. The Act of 17 October 2003 on Underwater Works
39. The Act of 16 April 2004 on Working Time of Drivers
40. The Act of 20 April 2004 on the Promotion of Employment and Labour Market Institutions
41. The Act of 4 March 2005 on a European Grouping of Economic Interests and the European Company
42. The Act of 7 April 2006 on Providing Information to Workers and Consultations with Them
43. The Act of 13 July 2006 on the Protection of Claims of Workers in case of Insolvency of the Employer
44. The Act of 22 July 2006 on the Allocation of Financial Resources to Service-Providers for Increase of Remuneration



45. The Act of 22 July 2006 on the European Cooperative
46. The Act of 29 August 2007 Tax Ordinance
47. The Act of 25 April 2008 on Workers' Participation in the Company Established through a Cross-Border Merger of Companies
48. The Act of 19 December 2008 on Bridging Pensions
49. The Act of 20 May 2010 on Medical Products
50. The Act of 25 February 2011 on Chemical Substances and Their Mixtures
51. The Act of 15 April 2011 on Medical Treatment Activity
52. The Act of 18 August 2011 on Maritime Safety
53. The Act of 15 June 2012 on the Effects of Entrusting Work to Foreigners Staying in the Territory of Poland in Breach of Legal Provisions
54. The Act of 12 December 2013 on Foreigners
55. The Act of 5 August 2015 on Work at Sea
56. The Act of 9 October 2015 on Biocidal Products
57. The Act of 13 April 2016 on Conformity Assessment and Market Surveillance Systems
58. The Act of 10 June 2016 on the Posting of Workers in the Framework of the Provision of Services
59. The Act of 8 June 2017 on the Method of Determining the Lowest Basic Remuneration for Workers Performing Medical Jobs and Engaged in Medical Entities
60. The Act of 10 January 2018 on Limiting Retail Trade on Sundays, Holidays and Some Other Days
61. The Act of 6 March 2018 Entrepreneurs Law
62. The Act of 6 March 2018 on the Central Registration and Information on Business and Information Point for Entrepreneurs
63. The Act of 4 October 2018 on Employee Capital Plans
64. The Act of 13 June 2019 on Business Activity in the Scope of Manufacturing and Trading of Explosives, Weapons, Ammunition as well as Products and Technologies for Military or Police Use
65. The Act of 11 September 2019 on Work on Fishing Vessels
66. The Act of 2 March 2020 on Specific Solutions Relating to Preventing, Counteracting and Combating COVID-19 and Other Infectious Diseases and Related Emergencies
67. The Act of 27 November 2020 on the Amendment of Certain Legal Acts in Order to Secure Medical Personnel in the Period of the Announced State of Pandemic Risk or Pandemic

## Attachment 4

**ECONOMIC ENTITIES OPERATING IN POLAND IN 2020**  
 AS PER THE POLISH CLASSIFICATION OF ACTIVITIES (PKD)  
 (DATA OF THE SOCIAL INSURANCE INSTITUTION)

PKD Sections	Entities for which work is performed (on the basis of employment contracts, civil law contracts)	Natural persons conducting economic activity not employing workers
Total	760 869	1 113 956
Agriculture, forestry, hunting and fishing	9 145	6 889
Mining and quarrying	1 241	626
Manufacturing	92 461	95 359
Electricity production	1 235	847
Water supply	5 001	2 326
Construction	107 093	165 554
Trade and repairs	188 553	206 669
Transportation and storage	54 849	66 950
Accommodation and food service activities	32 823	23 179
Information and communication	15 808	82 702
Financial and insurance services	12 064	30 061
Real estate activities	15 622	27 161
Professional activities	62 055	165 310
Administrative activities	24 472	37 408
Public administration	6 752	356
Education	35 008	27 909
Health care and social assistance	35 557	86 810
Arts, entertainment and recreation	11 447	14 824
Other service activities	43 588	65 721
Household activities	3	0
Extraterritorial organisations	141	10
Unspecified activity	5 951	7 285

Source: listing based on data of the Social Insurance Institution (ZUS) on the number of active payers paying contributions to social insurance and the Labour Fund (as at 31 December 2020).

**VICTIMS OF ACCIDENTS AT WORK IN 2020**  
AS PER THE POLISH CLASSIFICATION OF ACTIVITIES (PKD)  
(DATA OF THE STATISTICS POLAND)

PKD Section	Total	Number of victims of accidents		
		fatal	serious	other
<b>TOTAL</b>	<b>62 740</b>	<b>189</b>	<b>371</b>	<b>62 180</b>
Agriculture, forestry, hunting and fishing	862	12	11	839
Mining and quarrying	1 994	14	11	1 969
Manufacturing	21 624	35	174	21 415
Electricity, gas, steam and air conditioning production and supply	494	5	4	485
Water supply, waste collection, treatment and disposal activities; remediation activities	1 990	10	9	1 971
Construction	3 872	39	57	3 776
Wholesale and retail trade; repair of motor vehicles and motorcycles	8 218	15	31	8 172
Transportation and storage	5 146	40	16	5 090
Accommodation and gastronomy activities	784	-	2	782
Information and communication	267	2	3	262
Financial and insurance activities	433	-	-	433
Real estate activities	585	1	2	582
Professional, scientific and technical activities	804	2	7	795
Administrative and support activities	2 743	5	9	2 729
Public administration and national defence, obligatory social insurance	2 423	5	15	2 403
Education	2 684	2	7	2 675
Health care and social assistance	6 959	1	8	6 950
Arts, entertainment and recreation	502	1	2	499
Other service activities	356	-	3	353

## Attachment 6

**OCCUPATIONAL DISEASES IN POLAND IN 2019<sup>1</sup>** (DATA OF THE NOFER INSTITUTE OF OCCUPATIONAL MEDICINE IN ŁÓDŹ)

Occupational diseases		Number of diagnosed cases
Total, including:		2065
1.	Acute or chronic intoxications or their sequelae	3
2.	Metal fume fever	-
3.	Pneumoconioses	453
4.	Pleural or pericardial disorders induced by asbestos inhalation	31
5.	Chronic obstructive bronchitis	1
6.	Bronchial asthma	38
7.	Exogenous allergic alveolitis	26
8.	Acute general allergic reactions	1
9.	Byssinosis	-
10.	Berylliosis	-
11.	Pulmonary diseases induced by hard metal dust exposure	1
12.	Allergic rhinitis	19
13.	Oedematous laryngitis induced by allergy	-
14.	Nasal septum perforation	-
15.	Chronic voice disorders	268
16.	Diseases induced by exposure to ionising radiation	2
17.	Malignant neoplasms	52
18.	Skin conditions	56
19.	Chronic musculoskeletal diseases	89
20.	Chronic peripheral nervous system diseases	236
21.	Hearing loss	75
22.	Hand-arm vibration syndrome	9
23.	Diseases induced by work at increased atmospheric pressure	-
24.	Diseases induced by work in cold or hot environments	-
25.	Ophthalmological diseases	5
26.	Communicable or parasitic diseases or their consequences	700

<sup>1</sup> Data for 2020 will be available in October 2021.

