

ACT
of 13 April 2007
on National Labour Inspectorate¹

Chapter 1

Organisation of National Labour Inspectorate

Article 1

National Labour Inspectorate is an authority established in order 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 specified by the Act.

Article 2

National Labour Inspectorate is subordinate to the Lower Chamber of Parliament (i.e. Sejm). Supervision of National Labour Inspectorate is exercised by Labour Protection Council in the scope specified by the Act.

Article 3

1. National Labour Inspectorate is formed by: Chief Labour Inspectorate, District Labour Inspectorates and National Labour Inspectorate's Training Centre in Wrocław named after Professor Jan Rosner, hereinafter referred to as "the Training Centre".

2. National Labour Inspectorate is managed by Chief Labour Inspector with the assistance of deputies.

Article 4

1. Chief Labour Inspector is appointed and recalled by the Speaker of Parliament after seeking opinion from the Labour Protection Council and the competent parliamentary committee.

2. Chief Labour Inspector performs his duties until the day of appointment of his successor.

3. Deputy Chief Labour Inspectors are appointed and recalled by the Speaker of Parliament on the Chief Labour Inspector's motion, after seeking the Labour Protection Council's opinion.

Article 5

1. A District Labour Inspectorate covers one or more provinces with its territorial competence. Sub-district offices may be established within the structure of District Labour Inspectorates.

2. A District Labour Inspectorate is managed by a District Labour Inspector with the assistance of deputies.

3. District Labour Inspectors are appointed and recalled by Chief Labour Inspector after seeking the Labour Protection Council's opinion.

Article 6

1. The Speaker of Parliament, on the Chief Labour Inspector's motion and by means of an order, establishes the following:

¹ This Act, in its provisions, implements Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement of workers (OJ of the EU L 128 of 30.04.2014, p. 8).

- 1) the statute of National Labour Inspectorate, describing its internal organisation,
- 2) the seats of District Labour Inspectorates and the scope of their territorial competence.

2. Orders of the Speaker of Parliament in matters mentioned in subsection 1 above are published in the Journal of the Republic of Poland, i.e. "Monitor Polski".

Article 7

1. Labour Protection Council, hereinafter referred to as "the Council", is established as a supervisory body in matters regarding compliance with the labour law, including occupational safety and health, as well as legality of employment and the activity of National Labour Inspectorate.

2. The Council consists of 30 persons, including a chairman, vice-chairman, secretary and members who are appointed and recalled by the Speaker of Parliament. The Council's term of office lasts four years.

3. Members of the Council perform their duties until new members are appointed.

4. The Council members are chosen from among members of both Chambers of Parliament, candidates proposed by the Prime Minister, candidates proposed by trade unions and employers' organisations representative for their groups in the meaning of the Act of 24 July 2015 on the Social Dialogue Council and other social dialogue institutions (Journal of Laws, item 1240 and of 2017, item 2371), as well as by other social organisations concerned with labour protection. Experts and representatives of scientific circles are also nominated as the Council members.

5. An employee of National Labour Inspectorate cannot be nominated as a Council member, unless he is on unpaid leave granted to them in order to execute duties resulting from an election.

6. The rules of representation in the Council and the amount of daily allowance in case of participating in the Council's meetings are established by the Speaker of Parliament.

7. The Council's task is to formulate its position on matters covered by the scope of the National Labour Inspectorate's activity, in particular as regards:

- 1) work programmes and tasks of National Labour Inspectorate,
- 2) periodical evaluations of the National Labour Inspectorate's activity and conclusions resulting from these evaluations,
- 3) labour protection issues on a national scale.

8. The Council expresses its opinion on the candidates for the posts of Chief Labour Inspector and the deputies, as well as District Labour Inspectors.

9. The Council acts on the basis of procedural rules adopted by itself and approved by the Speaker of Parliament.

Article 8

1. (Repealed).

2. The Training Centre's tasks are training and development of National Labour Inspectorate's staff, dissemination of knowledge and information and provision of advice with regard to labour protection.

3. (Repealed).

Article 9

1. Chief Labour Inspector licenses safety and health surveyors on the motion of the Board for Evaluation of Candidates for Occupational Health and Safety Surveyors, hereinafter referred to as "the Board", and maintains a central register of powers granted.

2. The powers of safety and health surveyor, hereinafter referred to as 'surveyor' may be granted to a person who:

- 1) has a higher technical education;
- 2) has at least five years of professional experience in the academic specialization;
- 3) completed a course preparing for issuing opinions on safety and health at work and ergonomic projects, run by an entity authorised by Chief Labour Inspector, according to the

programme approved of by Chief Labour Inspector;

4) passed an exam before the Board.

3. The powers granted to a surveyor allow them to issue opinions on newly constructed or reconstructed buildings and their parts in which workrooms are to be located in respect of complying with safety and health regulations and ergonomic requirements.

4. Chief Labour Inspector, on his own initiative or on a relevant District Labour Inspector's motion may withdraw the powers of a surveyor in case of issuing an opinion which flagrantly infringes upon safety and health regulations. Chief Labour Inspector may also withdraw the powers of a surveyor on a District Labour Inspector's motion, if in his area of competence during technical acceptance of a structure it is discovered that in his opinion the surveyor failed to take into account vital safety and health regulations. Decision on withdrawing the powers of a surveyor shall be taken after considering the surveyor's explanations.

5. The Board's members are appointed, for a four-year period, by Chief Labour Inspector in agreement with the Minister competent for labour affairs, from among candidates indicated by:

1) General Office of Building Control,

2) technical organisations, professional associations, chambers of professional self-government described in the Act of 15 December 2000 on professional self-governments of architects and construction engineers (Journal of Laws of 2016, item 1725) and from among representatives of scientific circles and National Labour Inspectorate's employees. The Board consists of 8 persons.

6. Chief Labour Inspector, in agreement with the Minister competent for labour affairs, may recall a member of the Board:

1) on the motion of the party which applied for this member's candidature;

2) in case of continued failure to take part in the Board's work.

7. The Board members receive remuneration for taking part in the Board's work as well as allowances and reimbursement of travel costs according to the rules set out in Article 77⁵ § 2 of the Labour Code (Journal of Laws of 2018, items 108, 4, 138, 305 and 357).

8. Costs connected with preparation of candidates for surveyors, upgrading qualifications by surveyors and granting powers to surveyors, determined by Chief Labour Inspector, are incurred respectively by the candidate for a surveyor or by a surveyor.

9. The Minister competent for labour affairs, after asking the opinion of Chief Labour Inspector, shall specify by means of a regulation:

1) detailed conditions and procedures of granting and withdrawing powers of a surveyor as well as requirements regarding the preparation of candidates for surveyors, and upgrading of qualifications by surveyors, taking into consideration the level of education, past professional experience with regard to issuing opinions on construction projects and the necessity of periodic training;

2) the scope of granted powers referred to in subsection 3 above, the model of surveyor's license, the model of individual clause and seal and the model of register of examined projects, taking into consideration type of construction and division into project groups;

3) requirements concerning surveyors' opinions on newly constructed or reconstructed buildings and their parts in which workrooms are to be located, together with procedures for lodging an appeal against issued opinions, taking into consideration specifics, type and the envisaged use of the building under construction, as well as conformity of adopted arrangements with binding regulations and standards.

4) the procedure of appointing and recalling members of the Board and the way of conducting the examination, taking into consideration the necessity to ensure effective functioning of the Board;

5) the amount of remuneration of the Board members, taking into consideration the scope of performed activities.

Chapter 2

Tasks of National Labour Inspectorate

Article 10

1. The scope of National Labour Inspectorate's activity comprises:

1) supervision and inspection of labour law observance by enterprises, in particular occupational safety and health rules and regulations, provisions concerning an employment relationship, remuneration and other benefits resulting from an employment relationship, working time, holidays, employee rights connected with parenthood, employment of juveniles and persons with disabilities;

2) (repealed);

3) inspection of legality of employment, other paid work, conducting economic activity and inspection of compliance with the obligation to:

a. (repealed),

b. inform county employment offices by unemployed persons about taking up employment, other paid work or activity,

c. pay contributions for Labour Fund,

d. apply for an entry in the register of employment agencies, when running an employment agency is subject to obtaining an entry in said register,

e. run employment agencies in accordance with conditions laid out in regulations concerning the promotion of employment and labour market institutions,

f. ²⁾ meet the requirements specified in Articles 19c, 19d, 19fa, 19ga, 85(2) and 85a of the Act of 20 April 2004 on the promotion of employment and labour market institutions (Journal of Laws of 2017, item 1065, with amendments³⁾) by entities conducting economic activity, referred to in art. 18c of that act;

4) inspection of the legality of employment, other paid work and work performed by foreigners;

5) (repealed);

5a) inspection of goods designed for use at employers' companies as regards their compliance with requirements or inspection related to creation of hazards by goods, in the meaning of the Act of 13 April 2016 on conformity assessment systems and market surveillance (Journal of Laws of 2017, item 1398), 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 goods;

6) 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;

6a) supervision of employers' compliance with duties specified in Articles 35, 37.5 and 37.6 of the 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 (OJ of the EU L 396 of 30 December 2006, p. 1 with amendments), hereinafter referred to as "Regulation No. 1907/2006", in line with separate provisions on labour protection and within its remit;

6b) supervision of compliance with the conditions of using substances, specified by the European Chemicals Agency on the basis of Article 9.4 of the "Regulation No. 1907/2006", within its remit;

² In the wording included in art. 6 point 1 of the Act of 7 April 2017 on the amendment of the Act on the employment of temporary workers and of some other acts (Journal of Laws, item 962), which came into force on 1 June 2017.

³ Amendments to the unified text of the aforesaid Act were promulgated in the Journal of Laws of 2017, items 1292, 1321, 1428, 1543, 2371 and 2494, and in JoL of 2018, items 107 and 138.

7) taking actions aimed at preventing and reducing hazards in the working environment, in particular:

- a. examining causes and circumstances of accidents at work, inspecting the application of measures preventing such accidents,
- b. analysing causes of occupational diseases and inspecting the application of measures preventing such diseases,
- c. initiating research work in the sphere of compliance with labour law, particularly health and safety regulations,
- d. initiating undertakings related to labour protection issues in private farming,
- e. providing advice aimed at reducing hazards to life and health of workers, as well as advice on labour law observance;
- f. taking preventative and promotional actions aimed at ensuring compliance with labour law;

8) cooperation with bodies for environmental protection in inspecting observance by employers of regulations on counteracting hazards to the environment;

9) inspection

a) of the observance of occupational safety and health requirements laid down in the Act of 22 June 2001 on genetically modified microorganisms and organisms (Journal of Laws of 2017, item 2134) as well as those specified in permits for running gene engineering laboratories, in permits for contained use of genetically modified microorganisms and in permits for contained use of genetically modified organisms, also with regard to:

- marking of a gene engineering laboratory or its part,
- safety measures connected with a specific category of contained use,
- equipment used during contained use with reference to a given category of contained use specified in a permit for running a gene engineering laboratory or in a permit for contained use,

b) of drawn up documents relating to contained use of genetically modified microorganisms or genetically modified organisms, taking place in a gene engineering laboratory, if such documents comprise information connected with work safety and health;

9a) 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 2017, item 664 and of 2018, item 138);

10) issuing opinions on draft legal acts in the area of labour law;

11) lodging complaints and, following the concerned person's consent, participation in legal proceedings for the establishment of an employment relationship before Labour Courts;

12) issuing and withdrawing permits in situations referred to in Article 304⁵ of the Act of 26 June 1974 – Labour Code;

13) (repealed)

14) 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 item 868 and of 2018, item 107);

14a) providing advice in order to support equal treatment of citizens of the European Union Member States and Member States of the European Free Trade Association (EFTA) – parties to the agreement on European Economic Area, who exercise the right of free movement of workers, as well as members of their families, with regard to:

- a) access to employment,
- b) terms and conditions of employment, in particular with reference to remuneration, termination of contracts, work safety and health, and, in the case of job loss, return to work or renewed employment,
- c) access to social and tax privileges,
- d) rules of membership of trade unions and exercising the right to vote and to run for election to bodies representing workers, including bodies of trade unions and workers' councils,
- e) access to training,

- f) access to housing resources,
- g) access to education, apprenticeship or vocational training for children of employees,
- h) assistance provided by labour offices;

15) prosecuting offences against employee rights as defined in the Labour Code, offences referred to in Articles 119-123 of the Act of 20 April 2004 on the promotion of employment and labour market institutions, as well as other offences related to paid work if stipulated so in legal provisions, and participation in proceedings as a public prosecutor;

15a) inspection of compliance with duties laid down in art. 23r subsection 3 and 4 of the Act of 10 April 1997 – Energy Law (Journal of Laws of 2017, item 220, as amended⁴), with regard to liquid fuels in the framework of carrying out an inspection mentioned in point 1;

15b) inspection of the payment of remuneration in the amount resulting from the minimum hourly rate of pay, in accordance with the provisions of the Act of 10 October 2002 on the minimum remuneration for work (Journal of Laws of 2017, item 847);

15c)⁵ inspection of compliance with provisions of the Act of 10 January 2018 on limiting retail trade on Sundays, holidays and some other days (Journal of Laws, item 305), 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;

16) performance of other tasks specified in the herein Act and specific regulations.

1a. The National Labour Inspectorate cooperates with the Minister competent for labour matters and the Minister competent for internal affairs to identify – based on the assessment of a risk that work shall be entrusted to foreigners who do not have a valid document giving them the right to reside in Poland – branches of activity, specified as per the Polish Classification of Activity (PKD), where such practices may be widespread.

2. The National Labour Inspectorate's scope of activity includes also supervision and inspection of the duty to secure safe and healthy working conditions:

1) for individuals performing work on basis other than an employment relationship and persons performing economic activity on their own account in a place specified by an employer or entrepreneur not being an employer, for whom such work is performed;

2) by units which organise work performed by individuals for the general public benefit on basis other than an employment relationship;

3) of prisoners and persons retained at penitentiary and juvenile detention institutions if they perform work, as well as soldiers in active military service, who perform work assigned to them.

3. National Labour Inspectorate also supervises and inspects the employer's duty to secure safe and healthy conditions to students and trainees who are not employees but receive vocational practical training on the employer's premises.

4. National Labour Inspectorate may also conduct examinations, measurements and analysis of hazards caused by harmful and arduous factors in the working environment.

Article 11

In case of identifying an infringement upon regulations concerning labour law or legality of employment, the competent officers of National Labour Inspectorate shall have the right to:

1) when an infringement concerns the OSH rules and regulations, order the manager of the enterprise to eliminate the identified irregularities within a specified time-limit,

2) order the manager of the plant to: cease work when the offence causes immediate hazard to life or health of employees or other persons engaged in work; transfer to other tasks the workers employed against the existing regulations at forbidden, harmful or hazardous work, as well as workers employed at hazardous tasks if they do not have the required qualifications; orders in these matters are to be enforced immediately,

⁴ Amendments to the unified text of the above-mentioned Act were promulgated in Journal of Laws of 2017, items 791, 1089, 1387 and 1566 and of 2018, items 9, 138 and 317.

⁵ Added by art. 15(1) of the Act of 10 January 2018 on limiting retail trade on Sundays, holidays and some other days (Journal of Laws, item 305), which came into force on 1 March 2018.

3) order to cease the operation of machines and equipment when their operation causes an immediate hazard to life or health of humans, orders in these matters are to be enforced immediately;

4) forbid to perform work or activity in places, where the state of working conditions causes immediate hazard to life or health of humans, orders in these matters are to be enforced immediately;

5) in case of concluding that the state of occupational safety and health is hazardous to life or health of workers or natural persons performing work on basis other than an employment relationship, including persons performing economic activity on their own account, order to discontinue the performance of activity or activity of a given type,

6) order to determine, within a specified period, causes and circumstances of the accident;

6a) order to conduct examinations and measurements of harmful and arduous factors in the working environment if the mode, methods, types or frequency of conducting such examinations and measurements were not observed or when it is necessary to determine if given work tasks are performed in special conditions;

7) order the employer to pay the employee due remuneration for work as well as other due benefits, orders in these matters are to be enforced immediately;

8) if other infringements than mentioned in points 1-7 above are identified, address an improvement notice or give oral instruction asking to eliminate them and take action with regard to the guilty persons.

Article 11a

The competent officers of National Labour Inspectorate are authorised to order the employer to include an employee in the register 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, to delete the employee's name from the register, and to correct an entry made in the register.

Article 11b

The competent officers of National Labour Inspectorate are authorised to address an improvement notice or give instruction concerning payment of remuneration in the amount resulting from the minimum hourly rate, in accordance with the Act of 10 October 2002 on the minimum remuneration for work.

Article 12

In proceedings before the competent officers of National Labour Inspectorate concerning matters not regulated in the herein Act or in the rules issued on its basis, or in any other special provisions, the provisions of the Act of 14 June 1960 – Administrative Proceedings Code – shall be applied (Journal of Laws of 2017, item 1257 and of 2018, item 149).

Article 13

The inspection activities of National Labour Inspectorate cover:

1) all employers and – in the scope of safety and health at work as well as legality of employment – entrepreneurs and other organisational units not being employers – for whom work is performed by natural persons, including persons performing economic activity on their own account, regardless of the basis of such work,

2) entities providing services related to job placement, personnel consultancy, vocational consultancy and temporary work in the meaning of Article 18.1 of the Act of 20 April 2004 on the promotion of employment and labour market institutions – in the scope of compliance with duties specified in Article 10.1 point 3 d) and e),

3) ⁶entities mentioned in Article 18c of the Act of 20 April 2004 on the promotion of

⁶ In the wording set out in art. 6 point 2 of the Act, mentioned to in reference 2.

employment and labour market institutions – in the scope of compliance with conditions set out in Articles 19c, 19d, 19fa, 19ga, 85 subsection 2 and 85a of that act,
3a) ⁷entrepreneurs to whom provisions of the Act of 10 January 2018 on limiting trade on Sundays and public holidays and other certain days are applicable,
4) employers posting workers to the territory of the Republic of Poland, in the scope specified in the Act of 10 June 2016 on the posting of workers in the framework of the provision of services,
5) entrepreneurs or other organizational units for which, in the framework of their activities, work is performed or services are provided by contractors or service providers – in the scope of payment of remuneration in the amount resulting from the minimum hourly rate, in accordance with the Act of 10 October 2002 on the minimum remuneration for work,
– hereinafter referred to as “*inspected entities*”.

Article 14

1. National Labour Inspectorate, during implementation of tasks, cooperates with trade unions, employers’ organisations, workers’ self-government authorities, workers’ councils, social labour inspection, public employment services in the meaning of provisions on the promotion of employment and labour market institutions, Government Plenipotentiary for Equal Treatment and state administration authorities, particularly authorities for supervision and inspection of working conditions and National Revenue Administration as well as the Police, Border Guard, customs authorities Social Insurance Institution and local self-government authorities.

2. National Labour Inspectorate shall be entitled to use, free of charge, data stored in:

1) Central Register of Entities – National Register of Taxpayers;

1a) VAT taxpayers’ register;

2) National official register of national economy entities (REGON) run by the President of Chief Statistical Office;

3) Social Insurance Institution – at the account of the person insured and at the account of the payer of insurance contributions which are referred to in Article 40 and 45 of the Act of 13 October 1998 on Social Insurance System (Journal of Laws of 2017, item 1778 and of 2018, items 106, 138, 357 and 398) respectively in the scope of being subject to social insurance, as well as data on work accidents obtained on the basis of the Act of 30 October 2002 on social insurance in case of work accidents and occupational diseases (Journal of Laws of 2017, items 1773, 2120 and 2179);

4) Common Electronic System of Population Register (RCI PESEL);

5) in the register of unemployed individuals;

6) in the National Court Register;

7) in the National Penal Register.

3. National Labour Inspectorate may, on the motion of the trade unions, provide training and instruction, give assistance in the training of social labour inspectors, as well as undertake activities for the sake of improving and increasing the effectiveness of the social labour inspection’s work.

4. National Labour Inspectorate may – in justified cases – request from other public administration authorities, including the heads of revenue offices and directors of revenue administration chambers as well as the Social Insurance Institution and other responsible entities provision of information necessary to give advice referred to in Article 10 subsection 1 point 14a.

5. Entities mentioned in section 4 have a duty to furnish information mentioned in that provision, within 15 working days after the request of National Labour Inspectorate is received, unless provision of information requires conducting prior explanatory proceeding or inspection. The entity shall inform National Labour Inspectorate immediately on the reason of the delay.

⁷ Added by art. 15 point 2 of the Act, mentioned in reference 5.

Article 15

In case of a justified need and in order to ensure safety of inspectors, the Police officers shall be obliged to provide adequate assistance if so requested by a labour inspector.

Article 16

The Prime Minister shall determine, by means of a regulation, the principles of cooperation between National Labour Inspectorate and other authorities for supervision and inspection of working conditions and legality of employment with a view to ensuring efficient and effective cooperation.

Chapter 3

Scope of activity of National Labour Inspectorate's officers

Article 17

The following are National Labour Inspectorate's empowered officers:

- 1) Chief Labour Inspector;
- 2) District Labour Inspectors;
- 3) labour inspectors acting within the territorial competence of District Labour Inspectorates.

Article 18

1. The scope of Chief Labour Inspector's activity comprises:
 - 1) managing the activity of Chief Labour Inspectorate and District Labour Inspectors;
 - 2) examining appeals against decisions of District Labour Inspectors;
 - 3) developing annual and multi-year programmes of National Labour Inspectorate's activity;
 - 4) exercising general supervision of:
 - a) compliance with the labour law and submitting assessments, opinions and motions in that regard to competent authorities,
 - b) in punishment ticket proceedings in offence cases referred to in art. 17 § 2 of the Act of 24 August 2001 - the Code of proceedings in minor offence cases (Journal of Laws of 2016, item 1713 with further amendments⁸);
 - 5) formulating opinions on draft legal acts and initiating legislative work in that regard;
 - 6) initiating actions related to implementation of technological developments in the area of occupational safety and health;
 - 7) submitting motions with regard to education and training in the area of occupational safety and health, organizing and conducting training for labour inspectors as well as supervision of the activity of the NLI's Training Centre;
 - 8) conducting publishing and promotional activity with regard to labour protection;
 - 9) participating in the work of governmental committees investigating work accidents;
 - 10) preparing and presenting information and reports referred to in subsection 3 below;
 - 11) granting and revoking the powers of a surveyor for occupational safety and health, which are referred to in article 9.
2. Chief Labour Inspector provides the Minister competent for labour matters with summarised results of inspection and evaluation of compliance with the labour law, including provisions on occupational safety and health and legality of employment.
 - 2a. Chief Labour Inspector provides the Minister competent for labour matters and the Minister competent for internal affairs, no later than by 30 April of the following year, with

⁸ Amendments to the unified text of the said Act were published in Journal of Laws of 2016, item 1948, of 2017 items 708, 962, 966, 1477, 1543, 2400 and 2405 and of 2018 items 5, 201 and 305.

collective results of inspections referred to in Art. 10 subsection 1 point 4, with regard to entrusting work to foreigners residing in Poland without a valid residence permit, including the number of inspections carried out in the preceding year, and the percentage of entities entrusting performance of work to foreigners residing in Poland without a valid residence permit, in each branch referred to in Art. 10 subsection 1a.

3. Chief Labour Inspector presents to the Parliament and the Council of Ministers, no later than by 30 June of the next calendar year, information on the National Labour Inspectorate's activity and the annual report on its activity along with the activity-related conclusions concerning compliance with the labour law and regulations of the Act of 20 April 2004 on the promotion of employment and labour market institutions in the scope specified in article 10 subsection 1, points 3 and 4, by inspected entities and authorities exercising supervision of companies or other organizational units of the state or self-government.

4. The annual report, which is referred to in subsection 3 is presented by Chief Labour Inspector to Labour Protection Council and made known to the general public.

5. Chief Labour Inspector performs his tasks with the assistance of subordinate to him Chief Labour Inspectorate.

6. Chief Labour Inspector undertakes actions in labour law matters with regard to employees of Chief Labour Inspectorate and employees who supervise or conduct inspection activities.

7. Chief Labour Inspector may authorise a District Labour Inspector to undertake actions in labour law matters with regard to employees of the District Labour Inspectorate who supervise or conduct inspection activities.

Article 19

1. The scope of District Labour Inspector's activity comprises in particular:

1) managing the activity of a District Labour Inspectorate, supervision of labour inspectors' work and coordination of their activity;

2) assigning tasks to labour inspectors with account taken of their professional qualifications;

3) approving work plans developed by labour inspectors;

4) issuing decisions which are referred to in article 11 subsection 5;

5) examining appeals against orders and other decisions of labour inspectors;

6) maintaining a register of employers who conduct economic activity in the area of their territorial competence;

7) drawing up periodic reports on the District Labour Inspectorate's activity;

8) notifying the Head of the competent province of identified cases of infringements upon rules of running employment agencies specified in regulations on the promotion of employment and labour market institutions;

9) notifying the competent head of a county of identified cases of infringements upon regulations on the promotion of employment and labour market institutions by an unemployed person or the inspected entity.

2. District Labour Inspector performs his tasks with the assistance of a District Labour Inspectorate.

3. District Labour Inspector undertakes actions in labour law matters with regard to employees of a District Labour Inspectorate with the exclusion of employees who are referred to in article 18 subsection 6.

Article 20

1. District Labour Inspector draws up an annual report on the District Labour Inspectorate's activity which includes assessment of the scope of compliance with the labour law, particularly the state of occupational safety and health as well as regulations on legality of employment in the area of the district.

2. The report, which is referred to in subsection 1 shall be presented by District Labour Inspector, by the end of February of the following calendar year, to Chief Labour Inspector, competent Governor and Head of the province.

Chapter 4

Inspection proceedings

Article 21

Inspection proceedings aim at determining the factual state of affairs in respect of compliance with labour law regulations, particularly regulations on safety and health at work, as well as regulations concerning legality of employment, and documenting findings made.

Article 22

1. Inspections shall be conducted by labour inspectors acting according to territorial competence of District Labour Inspectorates.

2. Chief Labour Inspector may appoint a labour inspector to conduct specific inspection activities and use legal measures within the territory of competence of another District Labour Inspectorate, as well as outside the territory of the Republic of Poland, where an employment relationship is subject to Polish labour law regulations.

3. Inspections mentioned in subsections 1 and 2 above may also be conducted jointly by competent labour inspectors and other employees of National Labour Inspectorate who have indispensable knowledge related to the subject matter of the inspection, as well as representatives of foreign services and institutions responsible for labour protection issues, on the basis of an individual authorisation issued by Chief Labour Inspector or District Labour Inspector respectively.

Article 23

1. During inspection activities, a labour inspector is entitled to:

1) have free access to the premises, buildings and rooms of the inspected entity;
2) conduct inspections of buildings, rooms, workstations, machinery and equipment as well as technological and working processes;

3) demand from the entity under inspection, and from all of its employees and persons who are or used to be employed or who perform or used to perform work for the benefit of the inspected entity on grounds other than an employment relationship, including persons performing economic activity on their own account, as well as persons taking advantage of employment agency services, written and oral explanations in relation to matters covered by the inspection as well as to summon and interrogate such persons in connection with the inspection;

4) demand presentation of documents related to construction, reconstruction or modernisation and start-up of an employment establishment, technical plans and drawings, technical and technological documentation, results of expertises, examinations and measurements concerning production or other activity of the inspected entity, as well as to be provided with samples of raw materials and components used, manufactured or generated during production processes, in the amount necessary to make analyses or examinations in case they are related to the inspection underway;

5) demand presentation of personal files and any other documents connected with work performed by employees and other persons performing work on grounds other than an employment relationship;

5a) demand from an employer posting a worker to the territory of the Republic of Poland or a person acting on the employer's behalf documents or statements relating to posting of workers to the territory of the Republic of Poland or from the territory of the Republic of Poland concerning the inspection referred to in the Act of 10 June 2016 on the posting of workers in the framework of the provision of services;

6) become acquainted with decisions issued by other authorities competent for supervision and inspection of working conditions and their effects;

7) record processes and results of inspection described in point 2 above with sound or image recording equipment;

8) make copies or extracts of documents indispensable for inspection, as well as comparisons and calculations based on documents, or if necessary demand them from the inspected entity,

9) check the identity of persons executing work or staying on premises of the inspected entity, as well as persons taking advantage of employment agency services, interrogate them and demand statements with regard to legality of employment or performance of any other paid activity;

10) resort to the assistance of surveyors and experts as well as accredited laboratories.

2. If there exists a justified concern, that providing a labour inspector with information about matters connected with inspection by an employee or a person referred to in subsection 1 point 3, could cause that employee or person any harm or charges related to provision of such information, a labour inspector may issue a decision about keeping the circumstances allowing to reveal the identity of that employee or person confidential, including their personal data.

3. In case of issuing a decision referred to in subsection 2 above, circumstances mentioned in that subsection remain for the attention of a labour inspector only. Interrogation report of an employee or a person may be presented to the employer only in a way which will render it impossible to reveal personal data mentioned in subsection 2.

4. The employer is entitled to appeal against the decision to keep personal data mentioned in subsection 2 above confidential, within a three-day period after the date of receipt of such a decision. Appeal against a labour inspector's decision shall be investigated by a relevant District Labour Inspector. The employer shall not participate in proceedings concerning the appeal, which shall not be open.

5. If a District Labour Inspector considers the appeal justified, the interrogation report of an employee or a person shall be destroyed; a mention of destroying the interrogation report shall be made in an inspection report.

6. Chief Labour Inspector shall determine procedures concerning interrogation reports and other documents specified in points 2-5.

Article 24

1. ⁹Labour inspectors are authorised to carry out inspection of the observance of the labour law provisions by enterprises, and in particular inspection of the state of occupational safety and health, inspection of compliance with regulations on legality of employment, without notice at any time of day or night and in the scope mentioned in article 10 subsection 1 points 3 and 4, inspection of payment of remuneration in the amount resulting from the minimum hourly rate in accordance with the Act of 10 October 2002 on minimum remuneration for work and inspection of compliance with provisions on limiting trade on Sundays, public holidays and certain other days.

2. Inspections shall be carried out following the presentation of a business identity card confirming the identity and powers of a labour inspector or another authorised employee of National Labour Inspectorate.

3. Inspection of an entrepreneur shall be performed following the presentation of a business identity card and a relevant authorisation to conduct an inspection.

4. The authorisation to conduct an inspection shall:

- 1) indicate legal basis for conducting the inspection;
- 2) indicate the inspecting authority;
- 3) include name, surname, official post and business identity card number of the person authorised to conduct the inspection;
- 4) specify the scope of the inspection;
- 5) specify the entity to be inspected;
- 6) specify the date of commencing and the envisaged date of completing the inspection;
- 7) include signature of a person issuing the authorisation and his official post;

⁹ In the wording set out by art. 15 point 3 of the Act mentioned in reference 5.

- 8) instruct the inspected entity about its rights and obligations;
- 9) include date and place of issue of the authorisation.

5. If factual circumstances justify an immediate commencement of inspection of the entrepreneur, the inspection may be conducted after the presentation of a business identity card. The inspected entity shall be provided with an inspection authorisation mentioned in subsection 4 above in the period not exceeding 7 days after the inspection.

6. Inspection authorisations shall be issued by Chief Labour Inspector, his deputies or District Labour Inspectors and their deputies.

7. District Labour Inspectors may empower principal labour inspectors performing tasks of heads of sub-district offices to issue authorisations mentioned in subsections 3 and 5 above.

Article 25

Certified experts and specialists shall participate in inspections on the basis of an individual authorisation issued by Chief Labour Inspector or a District Labour Inspector respectively.

Article 26

1. The inspection shall be conducted at the seat of the inspected entity and in other places, where its activities are performed and where financial documentation and personal files are kept.

2. Individual inspection activities may also be performed at the seat of an organizational unit of National Labour Inspectorate.

3. Prior to commencing inspection activities, a labour inspector informs the entity to be inspected about his presence except for cases in which such information could influence the inspection results.

4. A labour inspector is entitled to free movement on premises of the inspected entity without an obligation to obtain a pass or undergo a body search even if this is required by internal regulations of the inspected entity.

Article 27

The inspected entity is obliged to secure measures and working conditions necessary to conduct an inspection and, in particular, to present documents and materials immediately on request of a labour inspector, ensure timely provision of information by persons mentioned in article 23 subsection 1 point 3 above, provide access to technical equipment and – as far as possible – a separate room with appropriate equipment.

Article 28

Prior to checking the identity of the person referred to in article 23 subsection 1 point 9, a labour inspector is obliged to show his business identity card in such a way so the person could read and note down inspector's personal data.

Article 29

1. In the course of inspection activities a labour inspector collaborates with trade unions, personnel's self-government authorities, work councils and social labour inspection.

2. Collaboration referred to in subsection 1 consists particularly in:

- 1) providing information about the subject and scope of inspection being conducted;
- 2) analysing reported comments and observations;
- 3) providing information about inspection results and decisions made;
- 4) providing advice and information related to labour law.

Article 30

In the course of inspection activities a labour inspector and persons referred to in article 22 subsection 3, and article 25 are obliged to abide by occupational safety and health regulations, fire regulations and regulations on the protection of classified information.

Article 31

1. Inspection findings are subject to documentation in the form of a report with an exception of subsection 10.

2. An inspection report should comprise:

1) full name of the inspected entity, its address and number from the official register of national economic entities (REGON) and tax identification number (NIP);

2) name and surname as well as position of the labour inspector;

3) name and surname of the person representing the inspected entity as well as name of the authority representing that entity;

4) date of commencing activity by the inspected entity and date of assuming the position by the person referred to in point 3 or date of appointing the authority referred to in point 3;

5) indication of days on which the inspection was carried out;

6) information about the execution of previous decisions and notices of the National Labour Inspectorate's inspectors as well as execution of motions, recommendations and decisions of other authorities for inspection and supervision of working conditions;

7) description of identified infringements of the law and other information of importance to the inspection results;

8) data of the person whose identification was checked and indication of the time, place and reasons for undertaking an identification check;

9) information about taking samples of raw and processed materials used, manufactured or generated in the course of production;

10) contents of oral decisions taken and instructions issued and information about deadlines for their execution;

11) information about the number and nature of advice provided in relation to labour law;

12) specification of attachments comprised in the inspection report;

13) information about persons in whose presence the inspection was conducted;

14) at the request of the inspected entity – a mention of the information referred to as classified by the company;

15) a mention of reservations made or lack of reservations with regard to the contents of the inspection report and elimination of identified irregularities before the inspection was concluded;

16) date and place of signing the report by the inspecting person and by the person who represents the inspected entity.

3. The report shall be signed by the person who conducts the inspection and by the person or authority representing the inspected entity.

4. The inspected entity has the right to submit, prior to signing the inspection report, justified reservations with regard to findings comprised in the report.

5. Reservations shall be submitted in writing within 7 days following the receipt of the report.

6. If reservations referred to in subsection 4 are submitted, a labour inspector conducting the inspection is obliged to investigate them and – should the reservations prove justified – change or complement a relevant part of the report.

7. In the inspection report there shall be no corrections, cross-outs or additions made unless they are described at the end of report, with the exception of correcting obvious spelling and calculation mistakes, which are signed by the inspector who puts down the date of making each correction next to his signature.

8. Refusal to sign the inspection report by the person or authority representing the inspected entity shall not hinder a labour inspector from applying relevant legal measures provided for in the Act.

9. A copy of the inspection report is left with the inspected entity.

10. If no irregularities are identified in the course of an inspection, its outcome may be documented in the form of an official note which should contain a concise description of the factual state of matters during the inspection.

11. The official note is signed by a labour inspector. The provisions of subsection 9 are

applied accordingly.

Article 32

1. The model of a business identity card, which is referred to in article 24 subsection 2, is determined by means of an order of the Speaker of Parliament issued at the motion of Chief Labour Inspector. The said order of the Speaker of Parliament is subject to publication in the Journal of the Republic of Poland "Monitor Polski".

2. Models of forms used in the National Labour Inspectorate's inspection activity are determined by Chief Labour Inspector.

Article 33

1. Based on findings made in the course of an inspection, a competent labour inspector:

1) issues decisions, which are referred to in article 11 points 1-4, 6 and 7 and article 11a;

2) addresses improvement notices and issues oral instructions referred to in article 11 point 8 and art. 11b;

3) instigates legal proceedings and enters into legal proceedings in cases which are referred to in article 10 subsection 1 point 11;

4) undertakes other actions, if the right or obligation to undertake them results from separate regulations.

2. Legal measures referred to in subsection 1 points 1 and 2, which relate to territorial organizational units of the inspected entity, are addressed by a labour inspector to the inspected entity regardless of the inspector's territorial competence. If elimination of identified irregularities does not require a decision of the employer, or if the danger to life or health of workers cannot be avoided otherwise, decisions referred to in article 34 subsection 1 are addressed to the person managing a given territorial unit.

Article 34

1. Decisions referred to in article 11 points 1-7 and article 11a are issued in writing or as an entry in a construction site log book.

1a. Decisions referred to in article 11 points 1-4 may be issued verbally.

1b. Instructions referred to in article 11 point 8 and art. 11b are issued verbally.

2. A decision issued in writing or as an entry in a construction site log book should comprise: identification of the involved inspector of National Labour Inspectorate, date of issuance, identification of the party or parties concerned, reference to the legal basis, settlement, a deadline for elimination of identified irregularities and instructions on the right of appeal.

3. In case of issuing a decision in the form of an entry in a construction site log book, a Xerox copy or a written copy of the decision constitutes an attachment to the inspection report.

4. Decisions and oral instructions referred to in subsections 1a and 1b are issued with a view to eliminating irregularities identified in the course of inspection, provided that such irregularities can be eliminated when the inspection is still in progress or immediately after its completion.

5. The inspected entity is entitled to lodge an appeal with a District Labour Inspector against a decision issued by a labour inspector in writing or as an entry in the construction site log book. The appeal should be lodged within 7 days following the receipt of the decision.

6. When an appeal is lodged against decisions issued in cases referred to in article 11 points 2-4, a District Labour Inspector may suspend execution of a given decision until the appeal is investigated, on condition that arrangements made by the inspected entity exclude immediate hazard to people's life or health.

Article 35

1. The inspected entity which was issued with a decision referred to in article 11 points

1-7 and article 11a is obliged to inform a relevant officer of National Labour Inspectorate of its implementation by the deadlines specified in the decision.

2. The provision of subsection 1 is applied respectively to decisions and oral instructions referred to in article 34 subsection 4.

Article 36

1. Improvement notices referred to in article 11 point 8 and article 11b, should comprise post inspection conclusions and their legal basis.

2. The inspected entity or an authority supervising the inspected entity which was issued with an improvement notice is obliged, by the deadline specified therein, but not later than within 30 days, to notify a relevant officer of National Labour Inspectorate of the time and manner of implementing the post inspection conclusions.

Article 37

1. In case of identifying, in the course of an inspection, an offence consisting in the infringement of the regulations of the Act of 20 April 2004 on the promotion of employment and labour market institutions, within the scope specified in article 10 subsection 1 points 3 and 4, a labour inspector shall institute fine proceedings or lodge a motion with a court of law to punish the persons responsible for identified irregularities.

2. A labour inspector shall immediately notify competent authorities of the infringement of regulations, and in particular:

- 1) Social Insurance Institution – of the infringement of regulations with regard to social insurance;
- 2) the head of customs and revenue office – of the infringement of fiscal law regulations;
- 3) Police or Border Guard – of the infringement of regulations concerning foreigners.
- 4) the head of a county – of identified infringements, on the part of an unemployed person or an inspected entity, of the provisions on the promotion of employment and labour market institutions.

A labour inspector shall inform the head of a county, upon their request, of inspection results with regard to the inspected entity.

3. District Labour Inspector shall notify, without any delay:

- 1) The Head of a province of:
 - a) identified cases of infringements of the terms of running employment agencies specified in the provisions on the promotion of employment and labour market institutions,
 - b) results of an inspection at the inspected entity – upon request of the Head of that province.
- 2) Governor of the province – of identified cases of infringing regulations on the promotion of employment and labour market institutions, related to the employment of foreigners or entrusting them with other paid work.

Article 37a

In justified cases, in relation to an employer who has just started economic activity, and if the inspector did not identify:

- 1) an immediate hazard to life or health of employees or other persons performing work;
- 2) deliberate commitment of an offence

– a labour inspector may refrain from applying legal measures specified in article 33 and limit the intervention to giving a verbal instruction on how to organise work in accordance with legal requirements and to asking the inspected entity for a declaration about the date of eliminating shortcomings identified in the course of the inspection.

Chapter 5

Employees of National Labour Inspectorate

Article 38

1. National Labour Inspectorate's employees are:
 - 1) Chief Labour Inspector and his deputies;
 - 2) District Labour Inspectors and their deputies;
 - 3) employees performing inspection activities;
 - 4) employees engaged in other posts.
2. Employees performing inspection activities are labour inspectors employed in one of the following posts:
 - 1) principal labour inspector – head of a sub-district office,
 - 2) principal labour inspector,
 - 3) senior labour inspector – chief specialist,
 - 4) senior labour inspector – specialist,
 - 5) senior labour inspector,
 - 6) labour inspector,
 - 7) junior labour inspector.
3. Chief Labour Inspector and his deputies, District Labour Inspectors and their deputies, and nominated employees of Chief Labour Inspectorate and District Labour Inspectorates are employees supervising inspection activities.
4. A list of employees nominated to supervise inspection activities is specified by Chief Labour Inspector or District Labour Inspectors – respectively.

Article 39

An employee of National Labour Inspectorate supervising or performing inspection activities shall be a person who:

- 1) is a Polish citizen;
- 2) has a complete capacity for legal actions and enjoys complete public rights;
- 3) has never been penalised for a deliberate criminal offence or a deliberate fiscal offence;
- 4) has a master's degree or equivalent education, and indispensable knowledge of issues which fall within the National Labour Inspectorate's scope of activity, and has passed a state exam before an examining board nominated by Chief Labour Inspector;
- 5) gives a guarantee of proper execution of professional duties;
- 6) has such health condition which allows them to be employed in a given position.

Article 40

1. Chief Labour Inspector nominates and dismisses:
 - 1) in the Chief Labour Inspectorate – a director and deputy director of the Chief Labour Inspector's Cabinet, directors and deputy directors of departments, a chief accountant, advisers, a spokesperson and heads of units;
 - 2) in District Labour Inspectorates – Deputy District Labour Inspectors, a chief accountant, principal labour inspectors – heads of sub-districts, advisers and heads of units;
 - 3) in the Training Centre – a director, deputy directors and a chief accountant.
2. A person dismissed from any of the positions mentioned in subsection 1 and article 5 subsection 3, who before nomination to the said position was a National Labour Inspectorate's employee, has the right to conclude an employment relationship in the post equivalent to the one occupied before the nomination.
3. An employment relationship with employees mentioned in subsection 1 and with employees mentioned in article 5 subsection 3, is concluded by means of nomination.

Article 41

1. An employment relationship with an employee supervising or performing inspection

activities is concluded on the basis of nomination, preceded by a contract of employment for a specified period of time, no longer than 3 years, with the reservation of subsection 4.

2. Employees supervising or performing inspection activities are nominated by Chief Labour Inspector who also terminates an employment relationship with them.

3. The nomination depends on the participation in preparatory training for candidates for labour inspectors finalised with passing a state exam before the examining board nominated by Chief Labour Inspector.

4. Chief Labour Inspector may, in cases justified by qualifications or professional experience, nominate an employee performing inspection activities without earlier conclusion of an employment contract, and without observing the requirement of that person's participation in inspectors' preparatory training.

5. Chief Labour Inspector shall specify the scope and mode of conducting inspectors' preparatory training and a state exam mentioned in article 39, point 4.

Article 42

The employees mentioned in article 38 subsection 1 point 4, excluding the employees specified in article 40 subsection 1, are employed on the basis of contracts of employment.

Article 43

1. At the nomination ceremony, a National Labour Inspectorate's employee submits a written pledge which reads as follows:

"I vow to serve the Polish State, observe legal order, perform duties of a National Labour Inspectorate's employee conscientiously, impartially, in line with the best knowledge and will".

2. The nomination deed comprises:

- 1) the employee's name and surname;
- 2) the date of nomination;
- 3) the name of an official position and organisational unit;
- 4) components and the amount of remuneration;
- 5) standard working time.

Article 44

1. Employees performing inspection activities are responsible for conscientious execution of their duties, in particular for presenting and documenting inspection results in a reliable and objective manner, and for observing provisions on the protection of secret information.

2. The employees mentioned in subsection 1 in the scope of their activity are independent from any external influence and cannot have a stake in inspected entities' operations.

3. The employees mentioned in subsection 1 are obliged not to disclose information that an inspection is carried out following a complaint, unless the complainant agrees to it in writing.

Article 44a

1. An employee supervising or performing inspection activities shall lodge a written statement if the employee's relative carries out:

- 1) economic activity or
- 2) activities performed on the basis of employment relationship or on other basis – that might be subject to inspection of National Labour Inspectorate.

2. The term relative referred to in subsection 1 shall be understood as persons mentioned in article 115 § 11 of the Act of 6 June 1997 - the Penal Code (Journal of Laws of 2018, items 1600 and 2077).

3. The statement referred to in subsection 1 shall be lodged within 30 days after that person is engaged in a position referred to in article 38 subsection 2 or 3.

4. An employee supervising or performing inspection activities shall update the

statement referred to in subsection 1 within 30 days after occurrence of the reason for the update.

5. Chief Labour Inspector shall specify, by means of an order, a template of the statement referred to in subsection 1.

Article 45

1. A National Labour Inspectorate's employee is obliged to keep secret information obtained in connection with performing official duties.

2. The duty not to disclose secrets is binding also after the employment comes to an end.

Article 46

1. A National Labour Inspectorate's employee is obliged to diligently perform official orders of their superiors.

2. If, in the employee's opinion, an official order is incompliant with legislation or bears the features of a mistake, the employee should present his reservations to the superior; in case of a written confirmation of an order, the employee is obliged to follow it, with the reservation of subsection 3.

3. The employee must not follow orders whose execution would be a crime or would pose a threat of an irreparable loss.

Article 47

1. An employee performing inspection activities shall not conduct any political activity.

2. An employee mentioned in subsection 1, striving to be elected as a member of the lower or upper chamber of Parliament, is granted unpaid leave for the time of an election campaign.

Article 48

1. A National Labour Inspectorate's employee shall not carry out activities which would threaten the National Labour Inspectorate's interest or be contrary to the inspectorate's tasks, and would oppose employee's duties or may give rise to a suspicion that the employee is not impartial or disinterested.

2. A National Labour Inspectorate's employee shall not undertake any paid work without a prior consent by Chief Labour Inspector.

Article 48a

1. An employee shall be entitled to a refund of costs incurred for legal assistance if penal proceedings instituted against that employee for a crime committed in connection with the execution of professional duties end with a binding sentence about discontinuation of proceedings given the lack of statutory features of a forbidden deed or non-commitment of a crime, or with acquittal.

2. Costs in the amount corresponding to remuneration, specified in separate provisions, of one counsel for the defence, shall be refunded from the National Labour Inspectorate's resources.

Article 49

1. An employee performing inspection activities is subject to periodic qualification assessments at least once in three years.

2. The assessment is made by the employee's superior, who informs the employee of the contents of the qualification assessment.

3. The employee can appeal against the qualification assessment to Chief Labour Inspector within 14 days from being informed of its contents.

4. Chief Labour Inspector shall specify the dates and mode of conducting periodic qualification assessments.

Article 50

1. If it is required by the needs of the institution, an NLI's employee can be ordered, for three months in a calendar year, to perform work other than the one specified in the nomination deed or the contract of employment, but which is in accord with the employee's qualifications. In the said period the employee is entitled to remuneration adequate to the work performed, yet no lower than so far.

2. In case of reorganisation of the National Labour Inspectorate's unit, an employee supervising or performing inspection activities can be transferred to another official position, which is in accord with the employee's qualifications, if owing to liquidation of the post occupied by the employee it is impossible to continue his employment in the said post. After the transfer the employee is entitled to remuneration adequate to the work performed, yet for six months it shall not be lower than so far.

3. If it is necessary due to special needs of National Labour Inspectorate, an employee supervising or performing inspection activities can be transferred to another post, which is in accord with his qualifications and equivalent from the point of view of remuneration.

4. A National Labour Inspectorate's employee can, at their request or consent, be transferred to work in some other organisational unit.

5. In justified cases an employee supervising or performing inspection activities can be transferred, for a period of up to six months, to another organisational unit, to work which is in accord with qualifications possessed by the employee. In the period of transfer the employee is entitled to remuneration adequate to the work performed, but no lower than so far. Such a transfer is admissible only once in two years.

6. It shall be forbidden, without the concerned person's consent, to transfer, for some period of time, a pregnant woman or an employee taking care of a child below 14 years of age to an organisational unit located in another place, and also in cases when the employee's important personal or family reasons are a hindrance to such a transfer.

Article 51

1. An employee supervising or performing inspection activities, officially posted to perform tasks outside the permanent place of work, is entitled to a refund of travel and accommodation costs and allowances according to the rules specified in the provisions adopted on the basis of article 77⁵§ 2 of the Labour Code.

2. (repealed).

Article 52

Chief Labour Inspector may grant, to an employee performing or supervising inspection activities, paid leave for health reasons – on the basis of a referral to treatment or rehabilitation in a health resort for a period specified in the said referral, not exceeding 30 days in a calendar year.

Article 53

1. A National Labour Inspectorate's employee is entitled to an extra benefit for many-year work, which equals 5% of the employee's basic monthly remuneration after five years of work. The said extra benefit rises by 1% for each next year of work until it reaches 20% of the basic monthly remuneration.

2. The periods of work which give the right to an extra benefit for many-year work shall comprise all previous, finished periods of employment and other proven periods, if by virtue of separate regulations, they are included in the period of work on which employee rights depend.

3. The periods of work mentioned in subsection 2, shall not comprise periods of employment in a communist party (Polish Workers' Party and Polish United Workers' Party), and in the state security bodies in the meaning of article 2 of the Act of 18 October 2006 on disclosing information on documents of the state security bodies from the period 1944-1990 and the contents of those documents (Journal of Laws of 2017, item 2186).

Article 54

1. National Labour Inspectorate's employees are entitled to jubilee rewards in the following amounts:

- 1) after 20 years of work – 75% of their monthly remuneration;
- 2) after 25 years of work – 100% of their monthly remuneration;
- 3) after 30 years of work – 150% of their monthly remuneration;
- 4) after 35 years of work – 200% of their monthly remuneration;
- 5) after 40 years of work – 300% of their monthly remuneration;
- 6) after 45 years of work – 400% of their monthly remuneration.

2. The periods of work mentioned in subsection 1 shall comprise all previous, finished periods of employment and other proven periods, if by virtue of separate regulations, they are included in the period of work on which employee rights depend.

3. The periods of work mentioned in subsection 2, shall not comprise periods of employment in a communist party (Polish Workers' Party and Polish United Workers' Party), and in the state security bodies in the meaning of article 2 of the Act of 18 October 2006 on disclosing information on documents of the state security bodies from the period 1944-1990 and the contents of those documents.

Article 55

1. A company reward fund, further on referred to as "the fund", is established in National Labour Inspectorate, in the amount of 3% of envisaged personnel remuneration.

2. The fund may be increased by Chief Labour Inspector from resources for remuneration.

3. Chief Labour Inspector shall specify the amount and rules of granting individual rewards from the said fund.

Article 56

1. A National Labour Inspectorate's employee who is about to go to an old-age pension or disability pension is entitled to a one-time severance payment equal to his monthly remuneration, and if the said employee has worked for at least:

- 1) ten years – equal to two-month remuneration;
- 2) fifteen years – equal to three-month remuneration;
- 3) twenty years – equal to six-month remuneration.

2. The periods of work mentioned in subsection 1, shall comprise all previous, finished periods of employment and other proven periods, if by virtue of separate regulations, they are included in the period of work on which employee rights depend.

3. The periods of work mentioned in subsection 2, shall not comprise periods of employment in a communist party (Polish Workers' Party and Polish United Workers' Party), and in the state security bodies in the meaning of article 2 of the Act of 18 October 2006 on disclosing information on documents of the state security bodies from the period 1944-1990 and the contents of those documents.

4. The severance payment mentioned in subsection 1 shall be calculated like a financial equivalent for annual leave.

Article 57

1. In the case of terminating an employment relationship with a National Labour Inspectorate's employee due to liquidation of an organisational unit, or its reorganisation which renders it impossible to continue the employee's employment relationship, the National Labour Inspectorate's employee is entitled to an old-age pension, if a man has turned 60, and a woman has turned 55, and they have a required period of employment.

2. In the case of terminating an employment relationship with an employee supervising or performing inspection activities, for reasons specified in:

- 1) article 62 subsection 1 point 3,
- 2) article 62 subsection 1 point 6, excluding the case when the employee refuses to be employed in the post mentioned in the said provision,

- the said employee is entitled to an old-age pension if a man has turned 60, and a woman has turned 55, and they have a required period of employment.

3. Provisions of subsections 1 and 2 shall be applicable to persons born before 1 January 1949.

Article 58

1. Working time of National Labour Inspectorate's employees shall not exceed 8 hours a day and on average 40 hours a week in the adopted settlement period no longer than 3 months.

2. In cases justified by the type of work and its organisation, such working time schedules may be applied in which it is permissible to extend working time to 12 hours a day. Yet, in the said schedules working time may not exceed 40 hours of work a week on average, in the adopted settlement period no longer than 3 months.

3. If it is required by the needs of the institution, a National Labour Inspectorate's employee may be engaged outside normal working hours, and in exceptional cases also at night, on Sundays and holidays.

4. For work on Sunday, a National Labour Inspectorate's employee is entitled to a day off work in the nearest week, and for work on a holiday – some other free day.

5. Provisions of subsections 2 and 3 are not applicable to pregnant women and in other cases specified in separate provisions.

6. Provisions of subsections 2 and 3 are applicable to employees who take care of children below 8 years of age on condition that they agree to it.

Article 59

1. A working time schedule in a week and working time amount on each day of the week are specified by Chief Labour Inspector.

2. For work performed at a superior's order outside normal hours, a National Labour Inspectorate's employee is entitled to time off work in the same amount, yet the said time off can be granted, at the employee's request, in the period directly preceding or following annual leave.

3. A National Labour Inspectorate's employee engaged in a managerial position is entitled to time off for work performed outside normal hours, at night and on Sundays or holidays.

Article 60

A National Labour Inspectorate's employee is, by virtue of the law, suspended in performing official duties in the case if being temporarily arrested – until the employment relationship expires, unless it was terminated earlier.

Article 61

1. Chief Labour Inspector may suspend an employee performing inspection activities in execution of official duties when criminal or disciplinary proceedings have been initiated with regard to that employee.

2. The suspension mentioned in subsection 1 shall not last longer than three months.

3. In the period of being suspended, as mentioned in subsection 1, the employee shall retain the right to remuneration and other benefits due on the basis of an employment relationship.

Article 62

1. Termination of an employment relationship with a nominated employee performing inspection activities may take place by means of notice in the case of:

1) receiving a negative qualification assessment, confirmed by a repeated assessment with negative results, which may not be made earlier than after a three-month period;

2) liquidation of the National Labour Inspectorate's organisational unit or its reorganisation, if it is impossible to transfer the employee to some other post in the same

unit;

3) loss, not of one's own fault, of powers required to perform work in the post held, if there is no possibility to offer the employee a job in some other post adequate to the possessed qualifications;

4) the employee's failure to give a guarantee of proper execution of official duties;

5) criminal proceedings which have been underway against the employee for a period longer than three months;

6) loss of physical or mental ability to work in the post held, confirmed by a certificate from the certifying physician of the Social Insurance Institution, if there is no possibility to engage the employee in another post, suitable to the employee's state of health and professional qualifications, or when the employee refuses to accept such work;

7) (repealed).

2. The notice period for an employment relationship is three months and it finishes on the last day of the month.

Article 63

1. In the case of terminating an employment relationship with a nominated employee performing inspection activities, for reasons specified in article 62 subsection 1 point 2, in the period before the end of employment and start of some other job or economic activity, the employee is entitled to a financial benefit, for a period no longer than 6 months, calculated like a financial equivalent for annual leave. The employee who has obtained the right to old-age pension is not entitled to the said financial benefit.

2. If the former employee receives a sickness or maternity benefit in the period mentioned in subsection 1, the amount of financial benefit shall be reduced by that amount.

3. The period of receiving the financial benefit mentioned in subsection 1 is included in the periods of work required for obtaining or retaining employee rights and in the periods of employment in the meaning of provisions on old-age and disability pensions from the Social Insurance Fund – on such conditions on which a period of receiving unemployment benefit is included and which are specified in the provisions on promotion of employment and labour market institutions. National Labour Inspectorate pays the social insurance contribution on the said financial benefit, in line with the rules specified for remuneration paid during an employment relationship.

Article 64

1. An employment relationship with a nominated employee performing inspection activities is terminated, by virtue of the law, without notice, in the case of:

1) a valid judgement which imposes a penal measure of the loss of public rights or a prohibition to exercise the profession;

2) a valid penalty with a disciplinary measure of expulsion from work in National Labour Inspectorate;

3) loss of powers, of one's own fault, which are indispensable to perform work in the post held.

2. An employment relationship with a nominated employee performing inspection activities is terminated without notice, by virtue of the law, also in the case of loss of Polish citizenship.

3. An employment relationship with a nominated employee performing inspection activities may be terminated without notice, because of the employee's fault in the case of a serious offence against basic employee's duties or a legally valid conviction for an intentional offence.

4. Termination, without notice, of an employment relationship with a nominated employee performing inspection activities may also take place in the case of the employee's absence at work due to an illness lasting for more than a year or isolation due to an infectious disease, and also in the case of justified absence from work for other reasons – after the elapse of periods envisaged in article 53 of the Labour Code.

5. In the case of inability to work due to an illness, mentioned in subsection 4, an

employee supervising or performing inspection activities retains the right to financial benefits for a period envisaged in the provisions on financial benefits from social insurance in the case of an illness and maternity.

Article 65

1. Termination of an employment relationship with a nominated employee performing inspection activities may take place:

- 1) by means of the parties' agreement;
- 2) at a three-month notice submitted by the employee.

Article 66

During the notice period an employee supervising or performing inspection activities may be discharged from performing duties, while retaining the right to remuneration and other benefits due on the basis of an employment relationship.

Article 67

The provisions of this chapter do not contravene provisions on the special protection of employees with regard to notice and termination of an employment relationship.

Article 68

A nominated employee has the right to lodge a complaint against Chief Labour Inspector's decisions in matters mentioned in article 61 with an administrative court.

Article 69

1. In matters resulting from an employment relationship of National Labour Inspectorate's employees, not covered by the provisions of this Act, the Labour Code provisions and other labour law regulations shall be applicable.

2. Disputes related to claims from an employment relationship of National Labour Inspectorate's employees shall be settled by labour courts, unless the Act specifies otherwise.

Article 70

Chief Labour Inspector shall establish the rules of remuneration, rules of promotion and qualification requirements related to education and professional experience of National Labour Inspectorate's employees.

Chapter 6

Order and disciplinary liability

Article 71

1. A National Labour Inspectorate's nominated employee bears order or disciplinary liability for breach of professional duties.

2. An admonition is an order penalty for a less serious fault.

3. Disciplinary penalties include:

- 1) a reprimand;
- 2) a reprimand with a warning;
- 3) a reprimand accompanied by depriving the employee of the possibility of promotion to a higher remuneration level or a higher post for a period of 2 years;
- 4) transfer to an inferior post accompanied by lowering basic remuneration by one category;
- 5) expulsion from work in National Labour Inspectorate.

4. In disciplinary matters judgements are issued, on the principle of independence:

- 1) in the first instance – by disciplinary commissions, established for one or more District

Labour Inspectorates;

2) in the second instance – by the Chief Labour Inspector's Appeal Disciplinary Commission.

Article 72

1. An admonition is given in the written form by Chief Labour Inspector, or – on the Chief Labour Inspector's authorisation – by a District Labour Inspector.

2. The employee may, within 7 days from being given an admonition, lodge a protest with Chief Labour Inspector.

3. Not overruling the protest within 14 days since the day of its submission is equal to accepting the protest.

4. The employee who lodged the protest may – within 14 days from the day of being informed of its overruling – apply to a labour court and ask for cancelling the penalty imposed upon him.

Article 73

1. Disciplinary proceedings shall not be initiated after 3 months from having learned, by Chief Labour Inspector or District Labour Inspector, of the committed fault; no proceedings shall be commenced nor a judgement on penalty issued after 3 years from committing a fault. When a deed bears features of a crime, disciplinary limitation shall not occur earlier than it is envisaged in the Penal Code.

2. The accused person may appoint an advocate, also from among nominated employees of National Labour Inspectorate.

3. Disciplinary proceedings may be continued in the case of unjustified absence of the employee.

4. Costs of disciplinary proceedings are covered by National Labour Inspectorate.

Article 74

Members of disciplinary commissions mentioned in article 71 subsection 4, including their chairmen and vice-chairmen, are nominated by Chief Labour Inspector for a period of four years from among those nominated employees of National Labour Inspectorate, who give a guarantee of proper execution of duties of a disciplinary commission's member.

Article 74a

1. The term of office of a disciplinary commission's member ends in case of their death, recall, or termination of an employment relationship.

2. Chief Labour Inspector recalls a member of a disciplinary commission if:

- 1) he/she resigned from membership in a disciplinary commission;
- 2) he/she became permanently unable to perform related duties due to an illness;
- 3) he/she was convicted by a law court that passed a final sentence for committing a crime;
- 4) other circumstances arise which suggest that he/she does not give a guarantee of proper fulfilment of duties of a disciplinary commission's member.

Article 75

1. A disciplinary spokesperson in National Labour Inspectorate is nominated by Chief Labour Inspector for the term of office equal to that of disciplinary commissions.

2. In particularly justified cases Chief Labour Inspector may nominate some other employee to conduct a disciplinary case.

Article 75a

1. The term of office of a disciplinary spokesperson ends in case of their death, recall, or termination of an employment relationship.

2. Chief Labour Inspector recalls a disciplinary spokesperson if:

- 1) he/she resigned from that function;
- 2) he/she became permanently unable to perform related duties due to an illness;

- 3) he/she was convicted by a law court that passed a final sentence for committing a crime;
- 4) other circumstances arise which suggest that he/she does not give a guarantee of proper fulfilment of duties of a disciplinary spokesperson.

Article 76

Disciplinary proceedings are composed of clarification proceedings and proceedings before a disciplinary commission.

Article 77

1. Chief Labour Inspector, in the case of being informed that a nominated employee has transgressed against professional duties or offended dignity of the post held, orders the disciplinary spokesperson to initiate disciplinary proceedings.

2. The disciplinary spokesperson is obliged to follow Chief Labour Inspector's orders.

Article 78

1. The disciplinary spokesperson initiates disciplinary proceedings by issuing a decision on opening clarification proceedings, in which the causes of it are indicated.

2. A certified copy of the judgement is forwarded to the accused person and the District Labour Inspector.

3. In the course of clarification proceedings, the disciplinary spokesperson undertakes actions necessary for complete clarification of the case, collects and records evidence, in particular documents, statements and explanations.

4. The disciplinary spokesperson presents objections formulated against the accused person and receives explanations and conclusions from that person, and before finalising clarification proceedings acquaints the defendant with the relevant evidence collected, and makes a note on having performed this particular activity; the said note is signed by both the spokesperson and the defendant.

5. After completing clarification proceedings, the disciplinary spokesperson submits, to Chief Labour Inspector, materials from proceedings along with a written, justified suggestion to discontinue disciplinary proceedings or to refer the case to a disciplinary commission.

Article 79

1. Chief Labour Inspector orders the disciplinary spokesperson to lodge a motion for penalising the accused person with the disciplinary commission or issues a decision on discontinuing disciplinary proceedings; the provision of article 78 subsection 2 is applied accordingly.

2. The disciplinary spokesperson forwards, to the disciplinary commission, a motion for penalising the accused employee, along with materials from proceedings, delivers a certified copy of the motion to the accused person and informs him of the right to appoint an advocate, unless the advocate has already been appointed.

3. A motion for penalising the accused employee should comprise:

1) name, surname, home address, name of organisational unit and the post held by the accused person,

2) exact specification of the alleged fault, including indication of the place and time when it occurred,

3) a proposed disciplinary penalty,

4) rationale to the motion,

5) a list of evidence and persons summoned to a disciplinary hearing.

4. After obtaining a certified copy of the penalty motion, the accused person and the advocate may, within 14 days since the date of its receipt, submit motions and present evidence to the disciplinary commission.

5. If penal proceedings have been initiated against the accused person with regard to the same deed which is the object of disciplinary proceedings, the disciplinary spokesperson – during clarification proceedings, or a judging team – during proceedings before

a disciplinary commission – may suspend disciplinary proceedings until the time of valid finalisation of penal proceedings; the disciplinary spokesperson’s decision is delivered to the accused person and the advocate, while a disciplinary commission’s decision – is also delivered to the disciplinary spokesperson.

Article 80

1. A disciplinary commission independently decides on factual and legal issues; the commission is obliged to observe a valid court judgement stating the guilt of the accused person.

2. Members of a disciplinary commission are independent while judging.

3. A disciplinary commission issues judgements in a three-person judging team, which is chaired by the commission’s chairman or vice-chairman.

Article 81

1. Chairman of the judging team sets the date of the hearing; he/she decides on communicating the said date to the disciplinary spokesperson and the advocate, if one was appointed and summons the accused person, and if need be – also witnesses and experts – to the hearing.

2. In the case when the disciplinary spokesperson advocated for ruling a penalty of expulsion from work in National Labour Inspectorate, and the accused employee does not have a chosen advocate, chairman of the judging team appoints an advocate from among nominated employees.

3. Summons and notifications mentioned in subsection 1 should be delivered no later than 7 days before the date of the hearing.

4. In the proceedings before a disciplinary commission, the accused person and the advocate have the right to get acquainted with the dossier of the proceedings.

5. Participation of the disciplinary spokesperson in the hearing is obligatory.

6. Unjustified absence of the accused person or the advocate at the hearing does not stop investigation of the case.

Article 82

1. Chairman of the judging team leads the hearing.

2. The course of the hearing is registered in the form of minutes.

3. The minutes should include in particular:

1) indication of the time and place of holding a hearing and the participating persons;

2) the contents of explanations, statements and motions by the participants of the hearing;

3) decisions made during the hearing;

4) if necessary, an account on any other circumstances related to the course of the hearing;

5) signatures of the judging team’s chairman and a recording clerk.

4. The hearing is open. In justified cases the judging team may exclude openness of a part or whole hearing.

5. In the beginning of the hearing the disciplinary spokesperson reads out the motion for punishing the accused person, and afterwards the judging team’s chairman asks the defendant whether he or she confesses committing the offence of which he/she is accused and whether he/she intends to present explanations and what would they be.

6. Chairman of the judging team gives the floor to the accused person in order to present explanations, and then, according to needs, interrogates witnesses, accepts statements, examines documents and collects other kinds of evidence.

7. During the hearing the disciplinary spokesperson, the accused person and the advocate may submit declarations, motions and present evidence.

8. Adjournment of the hearing may take place only due to important reasons; the adjournment is decided by chairman of the judging team.

9. The hearing is adjourned in the case of the failure to come to it by the party who was

not delivered the summons, or in the case of the party's justified absence.

10. The adjourned hearing is continued, unless the composition of the judging team has changed.

11. Immediately before finalising the hearing, chairman of the judging team gives the floor to the disciplinary spokesperson, advocate and the accused person.

Article 83

1. A disciplinary commission, after holding the hearing and internal consultations, issues a judgement on:

- 1) penalising;
- 2) acquittal;
- 3) discontinuing the proceedings.

2. The judgement on discontinuation of proceedings is made by a disciplinary commission when:

- 1) the accused person is not subject to the commission's competence;
- 2) the accused person has died;
- 3) the deadline for commencing disciplinary proceedings has passed;
- 4) the disciplinary spokesperson, at the Chief Labour Inspector's order, has withdrawn a motion for punishing the offender.

3. The judgement on discontinuation of proceedings may also be made by a disciplinary commission during a closed session.

4. Internal consultations are confidential; only members of the judging team and the recoding clerk – if need be, remain in the room where such consultations are held.

5. The judgement is made by majority of votes. The voting is held separately with regard to guilt and separately with regard to penalty; a member of the judging team may not refrain from voting.

6. A member of the judging team whose decision was voted down, when signing the ruling, has the right to point out his separate vote in the judgement. The person submitting a separate opinion may prepare a written justification to be included in the proceedings dossier.

Article 84

1. A disciplinary commission imposes a penalty taking account of the degree of guilt, its social harmfulness and effects of the offence, as well as the accused person's behaviour before and after committing the offence.

2. When the accused person commits several offences, one joint penalty is inflicted for all offences.

3. The judgement on penalising should contain:

- 1) the name of the disciplinary commission, names and surnames of members of the judging team, of the disciplinary spokesperson and a recording clerk, the date of hearing the case and issuing a judgement;
- 2) the name, surname, home address, name of organisational unit and official post of the accused person;
- 3) detailed specification of the offence of which the person has been accused;
- 4) conclusion on the guilt;
- 5) specification of the penalty inflicted;
- 6) instruction on the deadline and mode of lodging an appeal;
- 7) signatures of the judging team's members.

4. The judgement should be announced immediately after finalising the hearing and holding a consultation meeting.

5. In exceptional cases passing a judgement may be adjourned for a period no longer than 3 days. The date of giving the judgement shall be communicated to the parties by chairman of the judging team immediately after deciding on adjournment in passing the judgement.

6. After announcing the judgement, chairman of the judging team presents orally the

essential motives of the judgement.

7. The judgement shall be accompanied by a written justification, which should mention factual findings by indicating which facts the disciplinary commission found to be confirmed or not confirmed, on what evidence it relied in this respect and why contrary evidence was not believed, and it shall mention the circumstances which the disciplinary commission took account of while inflicting the penalty.

8. Justification is drawn up by chairman of the judging team; the justification is signed by all members of the judging team.

9. A written judgement along with its justification is delivered to the disciplinary spokesperson, the accused person and the advocate within 14 days from the day when it was given or issued in the mode specified in article 83 subsection 3.

Article 85

1. The disciplinary spokesperson, the accused person and the advocate have the right to appeal against the disciplinary commission's judgement to the Disciplinary Commission of Appeal.

2. The appeal shall be lodged via mediation of the disciplinary commission's chairman within 14 days from the day on which the judgement was delivered.

3. The chairman issues a decision on refusal to accept an appeal if it was lodged after the deadline or by an unauthorised person.

4. The chairman can restore the deadline for lodging an appeal if the original deadline was not observed due to reasons independent of the party; the motion for restoration of the deadline shall be submitted within 7 days from the date on which the hindrance disappeared. The said motion should be accompanied by an appeal.

5. Decisions on refusal to accept an appeal and refusal to restore the deadline for submitting an appeal, mentioning the basis of the said refusal, are delivered to the interested person along with instruction on the right to submit a complaint and the deadline for it; the interested party has the right to appeal against the said decisions to the Disciplinary Commission of Appeal within 7 days from delivery of the decisions.

6. The appeal can be withdrawn until the commencement of the hearing in the appealing proceeding. The appeal lodged for the benefit of the accused person may not be withdrawn without that person's consent.

Article 86

1. The Disciplinary Commission of Appeal discontinues appeal proceedings in the case of:

- 1) lodging the appeal by a person who was not entitled to do so;
- 2) an unjustified restoration of the deadline for lodging an appeal;
- 3) an effective withdrawal of the appeal.

2. The discontinuation of the appeal proceedings can also take place during a secret session.

Article 87

1. The Disciplinary Commission of Appeal, after holding a hearing:

- 1) upholds the judgement which was the subject of the appeal;
- 2) reverses the judgement completely or in part and gives a new judgement as to the essence;
- 3) reverses the judgement and refers the case for a new investigation by a judging team of different composition;
- 4) reverses the decision and discontinues the proceedings in cases specified in article 83 subsection 2, points 1-3.

2. The Disciplinary Commission of Appeal may inflict a stricter penalty from the one imposed by a disciplinary commission only in cases, when the decision was appealed against to disadvantage of the accused person.

3. In the proceedings before the Disciplinary Commission of Appeal, the provisions on

the proceedings before a disciplinary commission are applicable.

Article 88

1. The accused person and Chief Labour Inspector have the right to appeal against a judgement of the Disciplinary Commission of Appeal to the Court of Appeal relevant due to the place of residence of the accused person – a labour court and social security court.

2. Examination of the appeal shall be conducted by applying the provisions of “Code of civil proceedings on appeals”. There is no right to lodge an annulment appeal from a judgement by a court of appeal.

Article 89

1. The judgement by a disciplinary commission becomes valid when an appeal is not lodged by the deadline and when appeal proceedings are discontinued, and the judgement of the Disciplinary Commission of Appeal becomes valid when an appeal is not lodged with a court by the deadline.

2. After the judgement becomes valid, chairman of a disciplinary commission sends its certified copy along with rationale to the accused person and Chief Labour Inspector, who orders to execute the decision.

3. A certified copy of the decision along with rationale is included in the employee’s personal files.

Article 90

1. Disciplinary penalties specified in article 71 subsection 3 points 1 and 2 become erased after two years, and disciplinary penalties specified in article 71 subsection 3 points 3 and 4 become erased after three years since the date when the decision becomes binding.

2. The penalty of a reprimand and a reprimand with a warning may be erased earlier on the penalized employee’s motion. The said decision is made by Chief Labour Inspector not earlier than after one year since the date on which the decision became binding, taking into account the employee’s impeccable behaviour in the said period.

3. In cases mentioned in subsections 1 and 2, certified copies of the decision, along with rationale, are removed from the employee’s personal files and the penalty is regarded as non-existent.

Article 91

1. The accused person and the disciplinary spokesperson may submit a motion that investigation proceedings be reopened if new facts or evidence, unknown to the disciplinary commission, which may, however, significantly influence the contents of the judgement, occur after the valid judgement has been passed.

2. Resumption of the proceedings to disadvantage of the accused person may take place only when it turns out that the judgement was passed as a result of a criminal offence confirmed by a valid sentence of a court.

3. A motion for reopening proceedings may be lodged within 30 days since the disclosure of the circumstances mentioned in subsections 1 and 2.

4. Resumption of the proceedings after the period of disciplinary responsibility passes may take place only to the advantage of the penalised person.

5. The issue of resuming proceedings is decided during a closed session, by a disciplinary commission of different composition than the one which issued a valid judgement.

6. The decision on refusal to resume proceedings, made by a disciplinary commission, may be complained against to the Disciplinary Commission of Appeal; the provision in article 85 subsection 5 is applied accordingly.

7. The decision on refusal to resume proceedings, made by the Disciplinary Commission of Appeal, may not be complained against.

Article 92

In proceedings before disciplinary commissions, mentioned in article 71 subsection 4, in matters which are not regulated in this chapter, the provisions of "Code of penal procedure" shall be applied accordingly.

Article 93

Chief Labour Inspector shall specify, by means of an order, organisation, composition and working mode of disciplinary commissions, mentioned in article 71 subsection 4, and working mode of the disciplinary spokesperson.

Chapter 7

Amendments to existing regulations

Articles 94-103 (omitted)

Chapter 8

Temporary and final provisions

Article 104

National Labour Inspectorate's employees retain employee rights and the right to perform or supervise inspection activities, when this right results from legal regulations on the basis of which their employment relationship was concluded or on the basis of which they had the right to perform or supervise inspection activities, before the day of coming into force of this Act.

Article 105

National Labour Inspectorate operating on the basis of this Act takes over the powers and duties of National Labour Inspectorate which operated on the basis of the Act mentioned in article 115.

Article 106

The Centre operating on the basis of this Act takes over the powers and duties of National Labour Inspectorate's Training Centre which operated on the basis of the Act mentioned in article 115.

Article 107

1. On the day when this Act comes into force, employees of provincial offices who carry out inspection of legality of employment, on the basis of the Act mentioned in article 103, and who have higher education, will become employees of National Labour Inspectorate.

2. Their current employer is obliged, within 7 days since the promulgation of this Act, to inform the employees specified in subsection 1, in writing, of the changes which are to take place concerning their employment relationships. Provisions of article 23¹ § 4 of the Labour Code shall be applied accordingly.

3. The educational requirements resulting from article 39, point 4, shall not be applied to employees mentioned in subsection 1.

4. Employees mentioned in subsection 1, before being allowed to perform inspection activities, are obliged to take part, within two years since the coming into force of this Act, in the training on issues which fall within the scope of National Labour Inspectorate's activity, which shall be finalised with a state exam specified in article 39 point 4. Costs of the training shall be covered by Chief Labour Inspector.

5. An employment relationship with an employee mentioned in subsection 1 expires

when such an employee does not fulfil the condition stipulated in subsection 4.

Article 108

1. The current employer shall provide lists with names of employees mentioned in article 107 subsection 1 to Chief Labour Inspector, by the deadline of 1 June 2007.

2. The Minister competent for public administration issues shall specify, by means of a regulation, the way and mode of conduct with regard to employees mentioned in article 107 subsection 1, taking account of the necessity to ensure efficient and effective performance of entrusted tasks.

Article 109

1. In the ongoing proceedings in cases related to minor offences, specified in articles 119-123 of the Act mentioned in article 103, in which an inspector of a relevant provincial office was a public prosecutor, on the day when the Act comes into force a competent labour inspector will become a public prosecutor.

2 Unfinished administrative proceedings shall be still continued before competent District Labour Inspectors.

3. The Minister competent for public administration issues shall specify, by means of a regulation, the way and mode of taking over ongoing court and administrative proceedings, in particular the way of transferring documents concerning said proceedings, taking account of the necessity to ensure efficient and effective continuation of taken over proceedings by a competent District Labour Inspector.

Article 110

(omitted)

Article 111

Occupational Health and Safety Surveyors who were granted powers by Chief Labour Inspector in the mode specified in the Act mentioned in article 115, retain the said powers after the day on which this Act comes into force.

Article 112

Current provisions shall be applied with regard to enforcement proceedings instigated, on the basis of the Act mentioned in article 94, before the day on which this Act comes into force.

Article 113

Current provisions shall be applied with regard to disciplinary proceedings instigated against National Labour Inspectorates' employees before the day on which this Act comes into force; yet, new provisions should be applied if they are more favourable to the offender.

Article 114

(omitted)

Article 115

The Act of 6 March 1981 on National Labour Inspectorate (Journal of Laws of 2001: item 1362 as amended¹⁰) loses its validity.

Article 116

The Act comes into force on 1 July 2007, with the exception of article 108, which comes into force on 1 June 2007.

¹⁰ Amendments to the unified text of the Act were published in Journal of Laws of 2001, items 1405 and 1800, of 2002 item 1360, of 2003 items 1652 and 2081, of 2004 item 1808 and of 2005 items 564, 926 and 1399.