

I work legally

OHS FOR EMPLOYEES

SAFE WORK CONDITIONS



Work and hire legally



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SAFE WORK CONDITIONS

The Constitution of the Republic of Poland guarantees a right to safe and hygienic work conditions to everybody who performs work in Poland, irrespective of their nationality. Labour law provisions specify the mode of exercising this right.

The obligation to protect the employees' health and life entails great liability and a number of requirements to be fulfilled. On the basis of labour law, they primarily refer to the organisers of work and persons supervising it. However, also the employees, even though they have specific rights resulting from the labour law provisions, are liable for observing the obligations assigned to them.

The collection of most important labour law provisions in Poland is the Labour Code. Section X "Occupational Health and Safety" features fundamental obligations which are to be fulfilled by the employer with the aim of creating favourable and, first and foremost, safe working conditions. Detailed provisions are contained in regulations pertaining to occupational health and safety for individual industries or types of work.



IF YOU ARE AN EMPLOYEE

If you are employed on the basis of an employment contract, in line with the Labour Code, your work and the conditions of its performance are organised by the employer. The employer is liable for the status of occupational health and safety at the work place or during performance of individual tasks. In relation to this, the employer is also responsible for your health and life during performance of professional obligations. This entails the necessity of undertaking protective actions with respect to the employee, including technical - directly in the work environment – or organisational and information ones, with the use of accomplishments of science and technology.

EMPLOYER'S BASIC OBLIGATIONS

In particular, the employer is required:

- to organise work in a mode ensuring safe and hygienic work conditions;
- to ensure observance of OHS provisions in the facility;
- to react to the needs within the scope of ensuring occupational health and safety;
- to provide the employees with information about health and life hazards at the work place, protective measures and persons designated to offer first aid.

The employer is required to cooperate with other employers, if employees hired by various employers perform work simultaneously in the same location. This refers to informing one another about health or life hazards occurring with respect to the performed work and activities within the scope of preventing such hazards.

IF YOU ARE AN EMPLOYEE

EMPLOYEE'S BASIC OBLIGATIONS

Your basic obligation is to observe the provisions and occupational health and safety regulations. In particular, you should:

- know the OHS regulations and principles, take part in OHS trainings and instructions, as well as take the necessary checking examinations;
- perform work in a manner compliant with the OHS regulations and provisions and observe the instructions and guidelines of superiors issued in this respect;
- take care of proper condition of machines, devices, tools and equipment, as well as order at the work place;
- apply collective protection measures, as well as use the individual protection measures assigned to you, along with work clothes and footwear, in line with their intended use;
- undergo initial, periodical and control medical tests and other recommended tests, as well as comply with physician's instructions;
- immediately notify your superior about any accident noted at the work place or a hazard to human life or health, as well as warn the colleagues and other persons within the region of hazard about the hazard;
- cooperate with the employer and the superiors in fulfilling duties related to the OHS.

IF YOU ARE AN EMPLOYEE

If work conditions do not correspond to the OHS regulations and pose a direct hazard to your health or life or when the work that you perform poses such hazard to other persons, you have a right to suspend its performance, immediately notifying the superior about it.

As an employee, you have a right to:

- a work place organised in compliance with the OHS regulations and provisions;
- efficient individual protection measures, which you are required to apply in line with the intended use;
- perform work which is organised and prepared in consideration of protecting the employees from accidents at work and occupational diseases;
- work premises and technical equipment the condition of which does not pose a hazard to health or life;
- evaluation of health condition by a physician providing medical care for the employees.



EMPLOYER'S OBLIGATIONS

PREPARATION FOR WORK

Prior to the commencement of work, the employer is liable for preparing the employee for its performance and for checking whether the employee is physically capable of performing professional tasks.

To this aim, the employer:

- sends you to a medical examination;
- provides you with an OHS training;
- informs you about the occupational risk which is related to the performed work and the principles of protection against hazards;
- provides free-of-charge individual protection measures with respect to the impact of dangerous and harmful to health factors that occur in the work environment, along with information about the modes of using them;
- provides free-of-charge work clothes and footwear, if your own clothes may be damaged or soiled and on account of technological, sanitary or OHS requirements.



EMPLOYER'S OBLIGATIONS



You are allowed to perform work when:

- you have undergone medical examination carried out by an occupational medicine physician and have received a medical statement confirming no contraindications for work in the conditions described in the referral – periodical and control examinations are conducted at the employer's cost and, as far as possible, during work hours, observing the right to remuneration;
- you have the required qualifications and necessary skills, as well as sufficient knowledge of the OHS regulations and provisions – the OHS trainings take place during the work time and at the employer's cost;
- you have been equipped with individual protection measures and work clothes and footwear: the employer may determine work positions at which use of own clothes and work footwear is allowed, fulfilling the OHS regulations and upon the consent of employees.

EMPLOYER'S OBLIGATIONS

The employer informs the employees about hazards at the work place and modes of protecting against them by making them familiar with the outcomes of professional risk assessment. The information should be provided to the employees not only at the moment of commencement of work, but every time there are any changes in the occupational risk.

It is also worth remembering that application of collective protection measures, e.g. screens, balustrades, etc. is a more efficient mode of limiting the impact of hazardous or detrimental factors of the work environment, as they ensure safety for all persons working in a given location. Due to this, they are to be applied in the first place - before the individual protection measures, such as, e.g., protective helmets, measures protecting from a fall from heights.

WORK PERFORMANCE

The employer should ensure work premises proper for the type of performed work and the number of hired employees, which are to be kept in a condition ensuring safe and hygienic work conditions.

The same refers to work tools and, among them, machines and other technical devices which constitute the work place equipment. The employer's obligation is to make sure that the work tools used at the work place ensure safe and hygienic work conditions and, in particular, protect you from injuries, impact of hazardous chemical substances, electric shock,

EMPLOYER'S OBLIGATIONS

excessive noise, mechanical vibrations and radiation, detrimental and hazardous impact of other factors of the work environment and take the principles of ergonomics into account.

All chemical substances and their mixtures used at the work place have to be labelled clearly, in a manner allowing for their identification. This is aimed at protecting your health and life from accidental and improper use of such substances. You are



EMPLOYER'S OBLIGATIONS

subject to special protection when, in the course of work performance, you have contact with chemical substances, their mixtures, as well as carcinogenic or mutagenic agents or technological processes.

IF AN ACCIDENT OCCURS AT WORK

If you suffered an accident during performance of professional obligations and the condition of your health allows it, you should immediately inform your superior about it.

The employer's obligation is to appoint a team which will determine the course of the incident, its circumstances and causes. Until they have been determined, the employer is required to secure the place of the accident in a mode excluding:

- admission of unauthorised persons to the place of accident;
- starting, without the necessity, machines and other technical devices which were stopped in relation to the accident;
- making changes in the location of machines and other technical devices, as well as changing the location of other items which caused the accident or which allow for re-tracing its circumstances.

The results of the procedure are included in a report determining the circumstances and the causes of an accident at work; in the report, the post-accident team decides whether the incident fulfils the criteria of an accident at work. A report confirming that an incident was qualified as an accident at work forms a basis for applying for benefits under the social insurance.

Selected non-governmental organisations offering legal assistance to foreigners:

International Office for Migration (IOM) in Warsaw,

source of information for foreigners – website:

www.migrant.info.pl

hot line: +48 22 490 20 44,

The Office of the United Nations High Commissioner for Refugees UNHCR

www.unhcr.pl

Association for Legal Intervention (Stowarzyszenie Interwencji Prawnej)

www.interwencjaprawna.pl

tel. No.: +48 22 621 51 65,

The Helsinki Foundation for Human Rights

www.hfhr.pl

tel. No.: +48 22 556 44 40,

The “Ocalenie” Foundation

www.ocalenie.org.pl

tel. No.: +48 22 828 04 50,

The Halina Nieć Legal Aid Centre

www.pomoc.prawna.org

tel. No. +48 12 633 72 23.

You can find more information
on our website

www.pip.gov.pl/en

I work legally

EMPLOYMENT CONTRACT VS. CIVIL LAW CONTRACTS



Work and hire legally

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If you need any assistance, go to
www.prawawpracy.pl