

NATIONAL LABOUR INSPECTORATE – STRUCTURE AND COMPETENCES

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.

National Labour Inspectorate is subordinate to the Sejm of the Republic of Poland. Supervision of the National Labour Inspectorate is exercised by Labour Protection Council, whose members are appointed by the Speaker of the Sejm from among MPs, senators, candidates proposed by the President of the Council of Ministers, trade union organizations and employer organizations as well as experts and representatives of science.

Such placement of NLI within the national authorities system, and especially the separateness of NLI from the government administration is unique in the European Union and guarantees the NLI independence from political influences.

Implementing its tasks, the NLI cooperates with many institutions involved, within the labour protection system in Poland, in individual aspects of this issue, including especially: the State Sanitary Inspection, the National Fire Service, Border Guard, Police, Office of Technical Inspection, construction supervision, Central Institute for Labour Protection in the context of securing OSH system and legality of employment in Poland (also of foreign nationals).

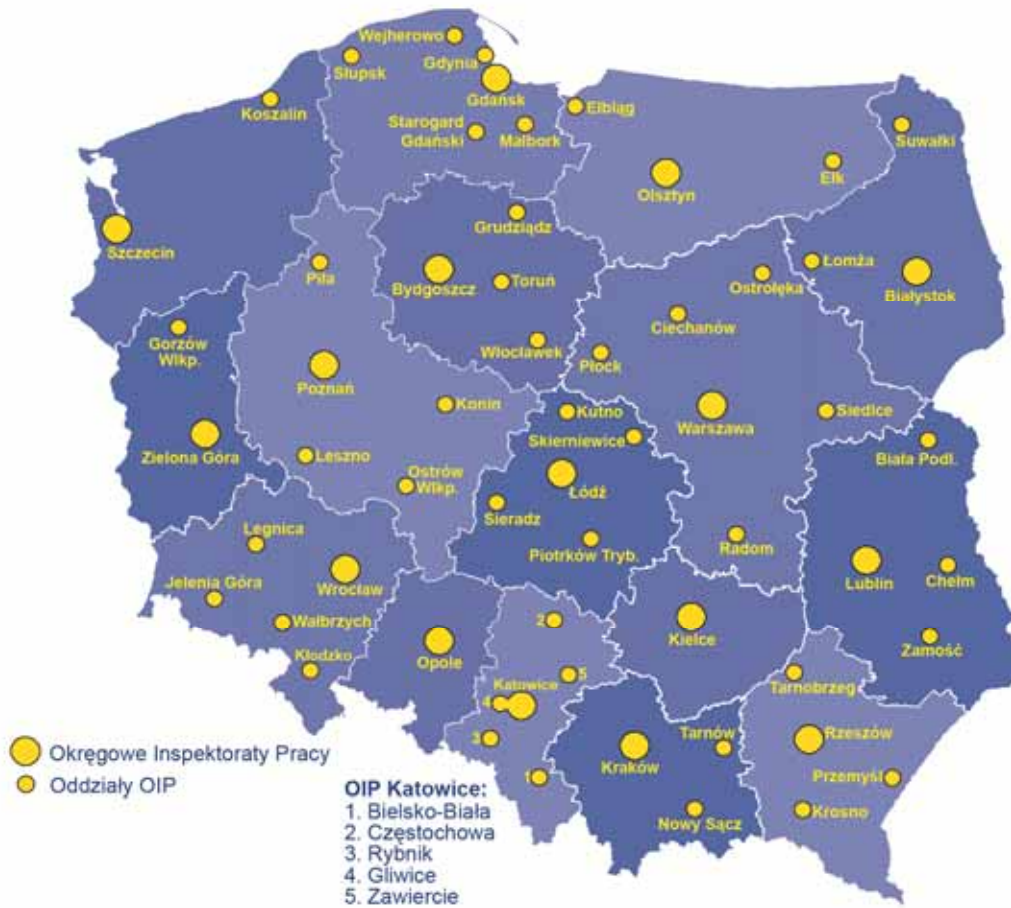
The scope of NLI's activity, competence and structure are currently specified by the Act of 13 April 2007 on National Labour Inspectorate (Journal of Laws No. 89, item 589, as amended). The act is a new legal instrument which replaced the previous National Labour Inspection Act of 6 March 1981.

The Act has significantly expanded the inspection competences of the National Labour Inspection, altered the principles of inspection procedures and supervisory competence of NLI's inspectors, it also increased the scope of fines for violation of rights of persons performing work.

National Labour Inspectorate is managed by the Chief Labour Inspector, appointed by the Speaker of the Sejm.

Since 2005, the Chief Labour Inspector has been a member of the EU Senior Labour Inspectors Committee. The National Labour Inspectorate also takes active part in actions undertaken by the International Labour Organization (ILO) and closely cooperates with labour inspectorates from Central and Eastern Europe.

The organizational structure of the National Labour Inspectorate is composed as follows: Chief Labour Inspectorate, 16 District Labour Inspectorates with 42 sub-districts (district labour inspectorates cover with its territorial competence – the area of one voivodeship) and The National Labour Inspectorate's Professor Jan Rosner Memorial Training Centre in Wrocław.



The following standing advisory and consultation bodies assist the Chief Labour Inspector: Board of the Chief Labour Inspector, Legal Commission of the Chief Labour Inspector, Commission of the Chief Labour Inspector for Occupational Safety and Hygiene in Farming and Council of the Chief Labour Inspector for Occupational Safety and Hygiene in Construction.

The tasks of the National Labour Inspectorate comprise, in particular:

- 1) supervising and inspecting compliance with labour law, including regulations and rules of occupational safety and health, regulations on employment relationships, remuneration for work and other benefits resulting from employment relationships, working time, leaves, employee rights connected with parenthood, employment of juveniles and persons with disabilities;
- 2) inspecting legality of employment, other paid work, conducted economic activity as well as compliance with duties:
 - a) informing poviats employment agencies of engaging an unemployed or entrusting him with performance of other paid work,
 - b) informing poviats employment agencies by the unemployed of undertaken employment, other paid work or activity,
 - c) payment of contributions to the Labour Fund;
 - d) entering to employment agencies register activity, conduct of which depends on the fact of obtaining an entry to this register,
 - e) operating an agency of employment in accordance with the terms stipulated in the provisions on promotion of employment and labour market institutions;

- 3) inspecting legality of employment, other paid work and work performed by foreigners;
- 4) inspecting products placed on the market from the point of view of their compliance with OSH requirements;
- 5) taking action to prevent and eliminate hazards in the working environment, in particular:
 - a) examining circumstances and causes of work accidents and inspection of the application of measures which are to prevent accidents,
 - b) examining circumstances and causes of occupational diseases and inspection of the application of measures which are to prevent occupational diseases,
 - c) initiating research work focused on observance of labour law, in particular work safety and health regulations,
 - d) initiating actions for labour protection in private farming,
 - e) providing technical guidance and information serving the purpose of eliminating risks to life and health of workers as well as advice and information regarding compliance with labour law;
- 6) cooperating with environmental protection authorities in inspecting employers' compliance with provisions on the prevention of environmental hazards;
- 7) inspecting observance of work safety and health requirements specified in the Act of 22 June 2001 on genetically modified organisms (Journal of Laws of 2007 No.36, item 233);
- 8) issuing opinions on draft legal acts related to labour law;
- 9) exercising the right to bring a lawsuit, and – with the interested person's consent – participating in proceedings in a labour court in cases for establishment of an employment relationship;
- 10) cooperating with EU Member States' authorities responsible for supervision of terms and conditions of employment of workers consisting in:
 - a) granting information about employment conditions for persons sent to work in the territory of an EU Member State for a specified-time period, by an employer with head office in the Republic of Poland,
 - b) informing of confirmed offences against the rights of employees sent to work in the Republic of Poland for a specified time period by an employer with head office in an EU Member State,
 - c) indicating market surveillance authority, competent in respect of granting the requested information due to its scope of activity;
- 11) pursuing offences against employee rights specified in the Labour Code, in the Act on Promotion of Employment and Labour Market Institutions, and other offences, if it is so specified in the acts, as well as participating in legal proceedings regarding such offences in the role of a public prosecutor.

Moreover, the National Labour Inspectorate supervises and inspects provision of safe and healthy work conditions:

- 1) to natural persons who work on a basis other than labour relationship and to sole proprietors operating in a location indicated by an employer or entrepreneur, other than employer, to whose benefit such work is performed;
- 2) by entities which organize work performed by natural persons on a basis other than employment relationship, as part of community service;
- 3) to persons remaining in custodial institutions and juvenile detention units performing work and soldiers in active military service, fulfilling tasks entrusted to them.

Supervision and inspection of the National Labour Inspectorate concerns all employers and other entities, to whose benefit work is performed by natural persons, regardless of the basis of performing work.