



WYŻSZA SZKOŁA
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The labor protection system in Poland [1/2]

The labor protection system in Poland consists of:

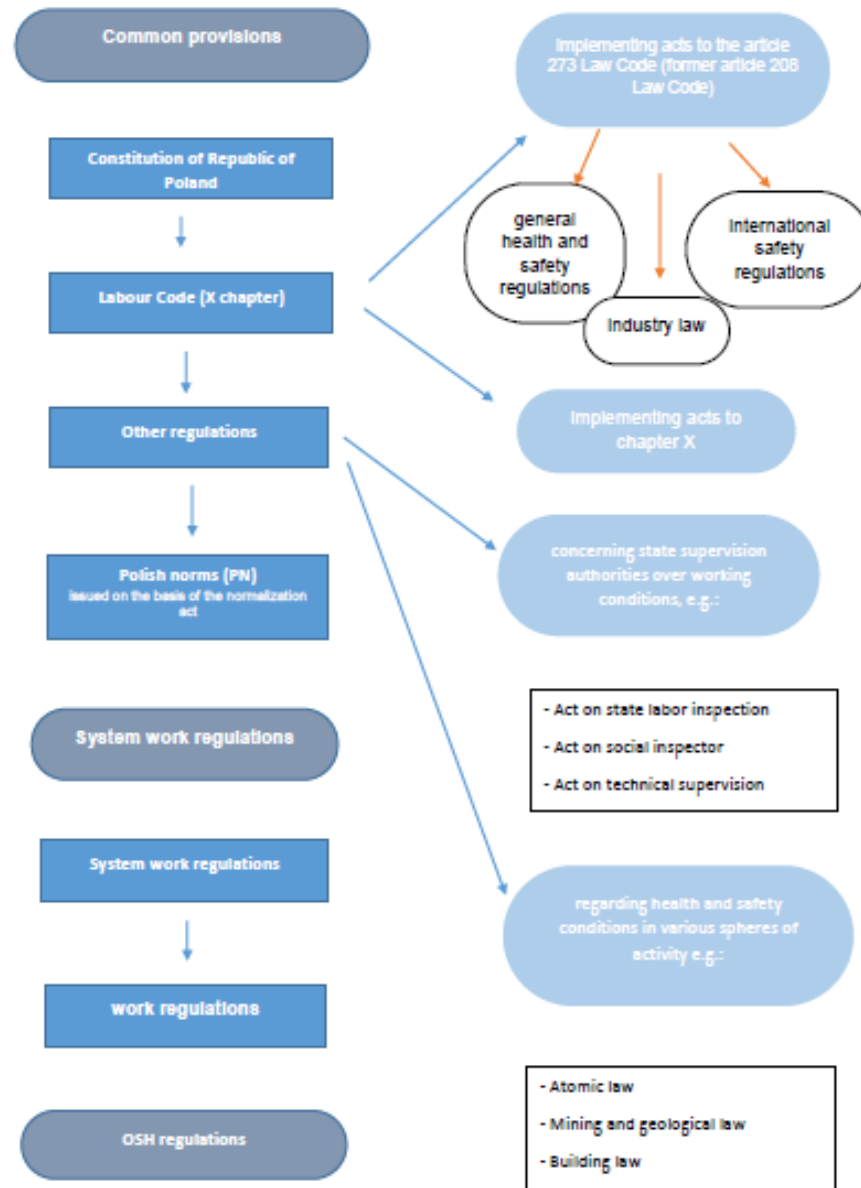
1. Legal system

- ▶ Constitution of Republic of Poland
- ▶ International agreements
- ▶ Acts
- ▶ Regulations
- ▶ Proclamations
- ▶ Technical standards

2. The organizational system

- ▶ Collective agreements
- ▶ Intra-company acts in the form of regulations and statutes

The labor protection system in Poland [2/2]



Source: T. Wyka: Bezpieczeństwo i higiena pracy po nowelizacji prawa pracy. Warszawa, Difin 1997

LEGAL SYSTEM of labor protection in Poland

[1/5]

- ▶ **Constitution of the Republic of Poland** of April 2, 1997 (Dz.U. 1997 nr 78 poz. 483 z późn. zm.) - the labor protection system is based on the sources of law indicated in the constitution that speak about the right to safe and healthy working conditions
- ▶ **International agreements** (*International Labour Organization*)
- ▶ **Labor Code** The Act of June 26, 1974. Kodeks Pracy (t.j. Dz.U. 2018 poz. 917) - defines citizens' rights and obligations in the scope of health and safety
 - ▶ Section X applies to OSH
 - ▶ Section VII deals with the protection of women's work
 - ▶ Section IX deals with the protection of young people's work
 - ▶ Article 9 of the Labor Code - indicates other sources of labor law
- ▶ Regulation of the Minister of Labor and Social Policy of September 26, 1997 **on general health and safety at work** (Dz.U. 1997 nr 129 poz. 844)
- ▶ Act of October 30, 2002 **on social insurance for accidents at work and occupational diseases** (t.j. Dz.U. 2018 poz. 1376)

LEGAL SYSTEM of labor protection in Poland

[2/5]

Common provisions

The generally applicable law regulations, in addition to the already mentioned Labor Code, are:

1. Implementing acts directly developing the provisions of Section X of the Labor Code and general provisions regarding specific sectors of work or types of work.
2. Acts establishing supervision and control over working conditions.

- ▶ Labor Code
- ▶ ACTS related to human safety in the work environment
- ▶ OSH general regulations
- ▶ Medical examination of employees
- ▶ Health and safety training
- ▶ Harmful factors in the work environment
- ▶ Measurements and admissible values of harmful factors
- ▶ Protection of women's health
- ▶ Youth workers
- ▶ Works requiring special psychophysical fitness
- ▶ Employee benefits
- ▶ Accidents at work
- ▶ Occupational diseases
- ▶ Serious industrial failures
- ▶ Compensation for accidents at work and occupational diseases

LEGAL SYSTEM of labor protection in Poland

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3. Provisions regarding other areas of law governing health and safety issues.
The specific low regulations concern:

- ▶ Gas Industry
- ▶ Maritime and inland economy
- ▶ Mining
- ▶ Metallurgy
- ▶ Culture and education
- ▶ Machine servicing
- ▶ Metalworking
- ▶ Radioactivity and radiological protection
- ▶ Municipal enterprises
- ▶ Chemical industry
- ▶ Food and catering industry
- ▶ Wood and paper industry
- ▶ Health services
- ▶ Agriculture
- ▶ Uniform and special services
- ▶ Road transport
- ▶ Other

LEGAL SYSTEM of labor protection in Poland [4/5]

4. Technical standards - their implementation is voluntary.

LEGAL SYSTEM of labor protection in Poland [5/5]

5. Other provisions, based on the Labor Code, in the labor law, can be divided into provisions laid down in an agreement concluded between social partners or in strictly defined instances of in-company regulations established by the employer himself.
 - ▶ **Work regulations** - includes regulations regarding the employees' equipment in work clothing and footwear as well as personal protective and hygiene equipment, lists of work prohibited to juvenile workers and pregnant women, types of work and job lists allowed for young workers for the purpose of apprenticeships, list of light work allowed for employees for young people employed for a purpose other than professional preparation, duties related to health and safety, informing employees about the occupational risk that is associated with the work performed.
 - ▶ **OHS rules** - are non-legal rules similar to general clauses. This means that they are not legally defined or specified in the regulations, however - in accordance with the applicable regulations - both the employer and the person managing the employees and the employee are obliged to obey them. Violation or non-use of the rules may result in penalties provided for in the Labor Code.

Penalties for non-compliance with OHS regulations [1/4] - Penalties for employees

The employee's duty is not only to know the regulations of OHS, but also to participate in health and safety training and to take verifying examinations. Knowledge of these regulations obliges to perform work in accordance with them, including care for the workplace, the use of personal protective equipment, informing the supervisor about hazards and accidents at the workplace, as well as undergoing medical check-ups and compliance with the doctor's instructions.

Penalties for non-compliance with OHS regulations [2/4] - Penalties for employees

In the event that the employee behaves in a manner that violates the provisions of OHS, one of the procedural penalties may be imposed on him:

- ▶ Written warning
- ▶ Reprimand
- ▶ Penalty

Penalties for non-compliance with OHS regulations [3/4] - Penalties for employees

1. Warning and reprimand may be used in case of non-compliance by the employee:
 - ▶ determined organization and order in the work process (intentional or unintentional fault),
 - ▶ safety regulations or fire regulations,
 - ▶ established way of confirming presence at work and excusing absences.
2. The financial penalty may be applied in cases:
 - ▶ non-compliance of the employee with health and safety regulations or fire-fighting regulations,
 - ▶ to go to work under the influence of alcohol,
 - ▶ alcohol consumption on a work site,
 - ▶ leaving the working place without justification.

Penalties for non-compliance with OHS regulations [4/4] - Penalties for employees

Procedure for imposing punishment on an employee:

- ▶ The employer decides about punishing an employee
 - ▶ Up to 2 weeks from getting information about the violation of the provisions by the employee
 - ▶ Up to 3 months from the employee's violation
 - ▶ The employer, when imposing a penalty, takes into account the type of violation of employee duties, the degree of the offense, the current employee-to-work ratio
- ▶ The employee should be informed in writing about the punishment, indicating the type and date of the violation, as well as about his rights.

Penalties for non-compliance with OHS regulations [1/2] - Penalties for employers and managers of employees

It is the employer's obligation to ensure working conditions consistent with the health and safety at work rules and to ensure that they are observed.

The employer can be punished:

1. A fine of PLN 1,000 - PLN 30,000 (around 233 EUR - 7000 EUR)
 - ▶ Offense against the employee's rights
 - ▶ Failure to comply with health and safety rules and regulations
 - ▶ Workplace mismatch and employee's equipment inadequate personal protection
2. The deprivation of liberty under 3 years
 - ▶ Gross breach of OHS expose employees to health or life loss
3. The deprivation of liberty under 1 year, restriction of liberty, a fine
 - ▶ Unintentional and inadvertent negligence

Penalties for non-compliance with OHS regulations [2/2] - Penalties for employers and managers of employees

4. A fine is imposed - up to 180 daily rates
 - ▶ Failure to notify competent authorities about an accident at work or an occupational disease
5. Imposing an obligation to pay compensation to civil complaint
 - ▶ Compensation of treatment costs
 - ▶ Payment of the sum necessary for the preparation of the victim to perform another profession
 - ▶ Pension
 - ▶ 'Family' pension
 - ▶ Monetary compensation for the harm suffered
 - ▶ Reimbursement of funeral expenses
 - ▶ One-time compensation

Appeal against the imposed penalty

[1/2]

The employee may, within 7 days of being notified of the punishment, file an objection, if the penalty was applied in violation of the law. The basis for opposition may be, e.g.:

- ▶ application of a penalty after the deadlines set in the Labor Code,
- ▶ lack of material premises for the application of the penalty of order,
- ▶ application of a penalty not provided for in the regulations,
- ▶ imposing an excessively onerous penalty, despite the occurrence of mitigating circumstances,
- ▶ failure in the content of the letter notifying about punishment,
- ▶ violation of the application of procedural penalties.

In case of rejection by the employer of the employee's objection against the imposed procedural penalty, he is entitled to appeal against the administrative penalty directly to the labor court.

Appeal against the imposed penalty

[1/2]

- ▶ **The employer** has the right to appeal against the decision issued by the labor inspector to the Regional Labor Inspector. The appeal should be lodged within 7 days from the date of receipt of the decision.
- ▶ If the decision is maintained by the Regional Labor Inspector, the employer may refer the case to the Provincial Administrative Court within 30 days from the delivery of the decision.
- ▶ The party dissatisfied with the verdict may file a cassation complaint to the Supreme Administrative Court in Warsaw.

Thank you for your attention

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