



The draft amendment of OHS regulations in the new Labour Code

The working team for the promotion of OHS of Employers of Poland has presented a draft of changes in health and safety regulations in the new Labour Code. The draft will now be subject to the work of the Labour Law Codification Committee.

During the meeting of the Employers of Poland's working team, which took place on January 30, 2018, a draft amendment of the code regulations on health and safety at work was presented.

The fundamental modification provided for in the draft is to emphasize the importance of occupational risk assessment, which is the basis for activities related to ensuring the safety and health of employees.

Another change concerns terminology. The archaic term "occupational health and safety" does not reflect the definitions used in Europe and should be substituted with "safety and health protection in the workplace".

The draft also emphasises the significance of the issue of the impact of psychological factors and stress levels, as part of the policy to prevent accidents at work and occupational diseases.

An important change is also the solution enabling the employer, in the case of a justified suspicion of employee's inability to perform work, to refer such an employee to periodic medical examinations at an earlier date.



Sunday trading under the supervision of Chief Labour Inspectorate

The Act limiting trade on Sunday entails new obligations for the Chief Labour Inspectorate. Therefore, the Minister of Labour, Elżbieta Rafalska, and the Chief Labour Inspector, Wiesław Łyszczek, took part in a meeting, which was held on February 8, 2018, at the headquarters of the Chief Labour Inspectorate in Warsaw.

From March 1, 2018, two trading Sundays will be designated each month - the first and the last one. From January 1, 2019, trade will only be allowed on the last Sunday of a month, and from January 1, 2020 the Sunday trading will be banned with exception of only seven Sundays in a year.

From 2020, only two shopping Sundays before Christmas, one before Easter and four extra ones, i.e. the last Sundays of January, April, June and August will be exempt from the trade ban. In addition - as stated in the Act - on Christmas Eve and on Saturday immediately preceding Easter, trade will be only possible until 2 PM.

The inspection will focus on the most sensitive areas of legal labour protection, as well as those related to the safety and protection of workers' life and health.

Chief Labour Inspectorate will be able to carry out spot checks, at any time of the day or night.



9 years to fight smog

Prime Minister Mateusz Morawiecki has announced that the governmental program "SMOG STOP", which is to be implemented in the municipalities that are most affected by smog in Poland, will soon be launched. The government assumes that the fight against smog will continue until 2027.

The "SMOG STOP" program is a project of thermo-modernization of buildings, which is to start in 22 out of 33 Polish cities that are on the list of 50 cities most affected by smog prepared by the World Health Organization (WHO). As many as seven Polish cities are in the top ten. These include, i.a., Żywiec, Pszczyna and Rybnik.

In turn, Piotr Woźny, Deputy Minister of Entrepreneurship and Technology responsible for activities related to the improvement of air quality, assumes that the fight against smog will take nine years.

- We would like to achieve that in the course of nine years. At the end of the third term of the Law and Justice (PiS) government, when we will be able to finish the next budget perspective of the EU for 2021-2027 - he said.

The government announces that by the end of May a new amendment to the law on supporting renovations and thermo-modernization, which will provide grounds for releasing PLN 180 million from the Thermal Modernization Fund, will be passed.

According to Woźny, the entire thermo-modernization program in the 22 municipalities will cost approx. PLN 750 million.



How to deal with manipulation in the workplace?

We face manipulation on a daily basis, even without realizing that we are its witness, or even worse - a person that is being manipulated.

Manipulation is negative influence, which leads to adverse consequences for people being manipulated. It is a planned, conscious and veiled form of exerting influence, requiring cunning, intelligence and a good knowledge of the manipulated person. It brings benefits with a small amount of resources.

Compliments in order to get a better position in the company, burdening with difficult tasks under the guise of recognising an employee, washing up a mission or carrying out socially important tasks without adequate remuneration are, among other things, common examples of manipulation.

It is extremely difficult to realize that we are dealing with manipulation because of the kindness and cordiality of the manipulator. Therefore, if we start to suspect anything, it is best to say it out loud, reveal a series of events which for us is evidence of manipulation. Even if the manipulator does not admit, the next days will probably show a change in his behaviour.

Besides, the most important thing is that someone stops manipulating us. If the intervention leads to the unmasking of the manipulator, then we can talk about success.



Contract of mandate and obligations of the employer

What are the occupational health and safety obligations of an employer who hires employees on the basis of a contract of mandate or for traineeship?

According to Art. 207 (1) of the act of 26 June 1974, the Labour Code (i.e. Dz.U. 2018, item 108), it is the employer that is responsible for the health and safety at work.

Art. 304 of the Labour Code stipulates that the employer is obliged to ensure safe and hygienic work conditions for individuals performing work on a basis other than the employment relationship in the workplace or in the place designated by the employer, as well as for self-employed persons in the workplace or in the place designated by the employer.

Furthermore, the employer is obliged to ensure safe and hygienic conditions for the training and instruction given to students and non-employees in the workplace.

According to Art. 207 (2) of the Labour Code, the employer is obliged to protect the health and lives of employees by providing safe and hygienic working conditions, with appropriate use of the achievements of science and technology.



Who can conduct an explosion risk assessment?

In workplaces and in adjacent areas, where there is a risk of an explosion, the employer is obliged to carry out an explosion risk assessment.

Pursuant to Section 37(4) of the regulation of the Minister of Interior and Administration of 7 June 2010 on fire protection of buildings, other building structures and areas (Dz.U. No. 109, item 719), explosion risk assessment is performed by: an investor, designer or user deciding on the technological process.

Potentially explosive premises are those in which an explosive mixture may be formed, resulting from such amount of combustible gases, vapours, mists or dusts emitted, as the explosion of which could cause a pressure increase in this room exceeding 5 kPa. In addition, in the premises in which an explosive mixture with a volume of at least 0.01 m³ may be present in a confined space, an explosion danger zone should be designated. **The assessment of the explosion hazard should include:**

- indication of premises in danger of explosion,
- designation of appropriate explosion hazard zones in premises and external spaces along with the elaboration of graphic classification documentation,
- indication of factors that may initiate ignition in those spaces.



Accident insurance contributions to change following April 1

On April 1, 2018, new risk categories and corresponding premium rates will be announced for various business groups. The upcoming changes mean a reduction for the majority of payers; however, in the case of four groups of activities, the premium will increase.

On January 26, 2018, the Ministry of Family, Labour and Social Policy submitted a draft regulation amending the Regulation on the differentiation of the rates of social security contributions for accidents at work and occupational diseases depending on occupational hazards and their consequences.

The risk category for business groups is determined based on the data of the Central Statistical Office for the last three calendar years, available on January 31 of a given year. The increase in the risk category and thus the increase in the premium base rate will concern 4 groups:

- service activities supporting mining and quarrying,
- activities related to recultivation and other services related to waste management,
- water transport,
- activities of tourist operators, travel agents and intermediaries as well as other service activities in the area of booking and activities related to it.

In the case of 28 groups, changing the risk category will result in a reduction in the base rate of the accident insurance premium.



First aid training on the construction site

A construction site is a dynamically developing infrastructure in which people are exposed to the effects of the risks associated with its creation. In order to reduce the severity of injuries that may arise in connection with the work performed, it is worth carrying out preventive activities that reinforce the principles of safe work.

One of the ideas for this type of action, as proposed by the Agreement for Safety in Construction, is for qualified rescuers to conduct **first aid training in situations of hazard to health and life**.

The aim of the training is to teach and consolidate the theoretical and practical skills related to the response in the face of threats to human life.

During the training, the rescuers teach how to assess the condition of the injured person, how to perform chest compressions and rescue breathing, how to place an unconscious but breathing injured person in a safe position, how to perform automatic AED external defibrillation and in what places such devices may be located.

In addition, the employees practice, i.a., resuscitation, how to help a choking person, how to deal with fractures, haemorrhages, amputations, cervical spine injuries and the basic behaviours and preconditions for joining first aid.



Will there be an anti-odour law?

The Chief Inspectorate for Environmental Protection (CIEP) reviewed in 2016 over a thousand complaints related to odour nuisance. Odours is one of the biggest problems of municipal utilities.

Residents regularly complain to the authorities about the nuisance caused by odours. The last examples include Warsaw, where a stench was emitted, due to exceptionally large amounts of waste stored in some plants.

- The largest number of complaints in this regard concerned, among other things, the operation of sewage treatment plants and the use of municipal sewage sludge in agriculture without complying with the relevant environmental protection requirements - explained Paweł Sałek, Deputy Minister of Environment referring to the complaints submitted to CIEP. He also informed that sewage is a considerable problem.

In July 2017, the Ministry of Environment stated that work on the anti-odour law had been carried out for over a year. The drafting of the provisions was to be largely addressed by CIEP.

The International Conference "Effective management of odours in the municipal economy" will be held in Iława on 6-8 March. During the specialists' meeting, many topics will be addressed, such as the subject of existing legal regulations regarding odour nuisance, including the methods of evaluating and measuring odours, as well as technical solutions available on the market, which help to reduce or completely eliminate the problem of odour nuisance in the immediate surroundings of the plant.



A person responsible for first aid at the workplace

The employer is responsible for the state of health and safety at the workplace and under Art. 209¹ (1) of the Labour Code, it is their duty to organize a well-functioning first aid system.

According to the statement of the Ministry of Labour and Social Policy of 8 January 2009 (SPS-023-6878/08), employers have an obligation to designate employees responsible for the provision of first aid regardless of the number of persons employed.

In addition, the employer should provide a sufficient number of trained employees so that an employee responsible for providing first aid is permanently present in the workplace (e.g. in the shift-work system or even in the case of annual leave or illness of one of the designated employees).

One of the requirements related to the implementation of this obligation is that the person whom employer intends to entrust the performance of activities in the field of first aid must have the status of an employee. It is inadmissible to use external specialists or persons employed on the basis of civil-law contracts in this area. The employees' training should take into account the types and levels of existing threats (Article 209¹ (3) of the Labour Code).