



How to survive the heat in the office?

With outside temperatures soaring above 30 degrees Celsius, work in an office can also become burdensome. During such time, an employer must ensure adequate and comfortable conditions of work.

Employers' obligations during heat waves are set out in the Labour Code, Construction Law and the implementary regulations, in particular the regulation on prophylactic drinks and refreshments, which requires, pursuant to Article 232 Labour Code, that employees working in particularly burdensome conditions should be provided with proper, free of charge, drinks and refreshments where it is necessary for prophylactic purposes.

During heats, an employer can also apply **other prophylactic solutions** that are not specified in regulations and legal provisions, but will definitely facilitate work in improve workers' efficiency. **Good tips:**

- **shut all windows, doors**, etc. during the day;
- **draw** curtains, blinds, etc. (to prevent the sun from heating up the interior);
- in the absence of blinds, **stick white paper on windows from the southern and western sides**;
- **ventilate the rooms** – open the windows for 1-2 minutes causing a draught – close them soon (in order to prevent hot air from heating the walls);
- **open windows at night**, so that the walls and floor can cool down;
- place **bottles with chilled water** (in proper containers) on desks.



OHS in a hotel

Safety in a hotel does not only mean ensuring proper conditions for guests' stay, but also eliminating and mitigating the impact on employees of the hazards occurring in the hotel environment.

The most important risk factors involved in hotel work environment include:

- work resulting in physical strain due to extended standing and immobile position, due to carrying and lifting weights and repetitive movements;
- exposure to high noise levels;
- hot or cold work environment, especially where high temperatures are combined with draughts, open doors and work done alternately in high temperature and humidity and in cold environment, such as cold rooms;
- cuts and burns;
- slipping, tripping and falling over as a result of increased humidity and slippery floors, and obstacles; also, falling from a height;
- dangerous substances, such as widely used detergents, and biological agents.

Hotel workers are also exposed to socio-psychological risks due to: extended working hours and untypical working hours, difficulty in maintaining the work-life balance, considerable workload, time pressure and constant contacts with customers.



More efficient battle against polluting businesses

The Ministry of Justice has drawn up a bill on the liability of collective entities, which will enable holding them liable for crime against the natural environment.

Similar regulations are in force inter alia in the USA or in Western Europe. The issue of personal criminal liability of specified individuals will be determined by courts independently of proceedings against the business itself, but in a single trial, where possible.

- The state's aim is to protect the interests of its citizens. Big corporations must not treat Poland as a Third World state or a banana republic. pointed out Minister Zbigniew Ziobro at a conference held in the Ministry of Justice on 25 May 2018.

Under these provisions it will be sufficient for a prosecutor to determine that a crime has been committed in an unfair company to have it prosecuted.

The new regulations will serve as a perfect tool to handle cases such as the recent sewage dumping into the Motława river and the Gdańska Bay, as a result of a breakdown in waste water pumping station operated by a company cooperating with the city authorities.

The bill has already passed through the interdepartmental consultations in the Ministry of Justice. It will be soon passed on to the interministerial and social consultations.



Boredom at work can be dangerous

A mismatch between an employee's scope of responsibilities and their skills and qualifications can lead to boredom at work, which is dangerous, also from the OHS perspective. Working time management is currently one of the most important training courses that employers are advised to complete in order to effectively use each employee's potential.

What causes boredom is, rather than routine itself, more frequently a lack of challenges brought about by a mismatch between employees' responsibilities on the one hand and their abilities and qualifications on the other. In order to pose a challenge to the employee, their work tasks need to be ambitious and properly selected. Where this is not the case, an employee's engagement in their activities drops and tiredness occurs.

Where such a situation lasts for an extended period of time, it can degenerate into the so-called 'professional rust-through syndrome', i.e. a set of chronic symptoms developing in an employee where they are not in a position to make full use of their talents and capabilities. It occurs where the discrepancy between an employee's possibilities: what he could and is able to do, and the actual demands set.

An inefficient working time management exposes employers not only to damage, e.g. in the form of loss of potential profits. Practice shows that boredom leads to accidents at work as well. Examples abound in the Internet which shed a new light on the old saying 'bored to death'.



GDPR – video surveillance in the workplace

The GDPR, which entered into force on 25 May of this year, has resulted in amendments to over 130 legal instruments, including the Labour Code. It has eventually regulated the issues of surveillance in the workplace.

The draft law amending certain statutes in order to ensure compliance with Regulation 2016/679 provides for amendments to the Labour Code, concerning inter alia:

- surveillance of the workplace premises and the surrounding areas,
- email surveillance.

An employer can only decide to implement surveillance in the workplace or in the surroundings where it is necessary to ensure security of the staff or assets, production control or confidentiality of the information whose disclosure could harm the employer. The draft expressly indicates that surveillance cannot be used for controlling an employees' work performance. At the same time, it is forbidden to conduct surveillance over areas that are not designed for work performance, such as sanitary rooms, lockers, canteens or smoking rooms.

Notably, the provision does not apply in any manner to other forms of surveillance, such as correspondence surveillance or network traffic surveillance. Nevertheless, lawyers emphasise that it is forbidden to open mail addressed to employees.



Fire fighting equipment in different types of workplace

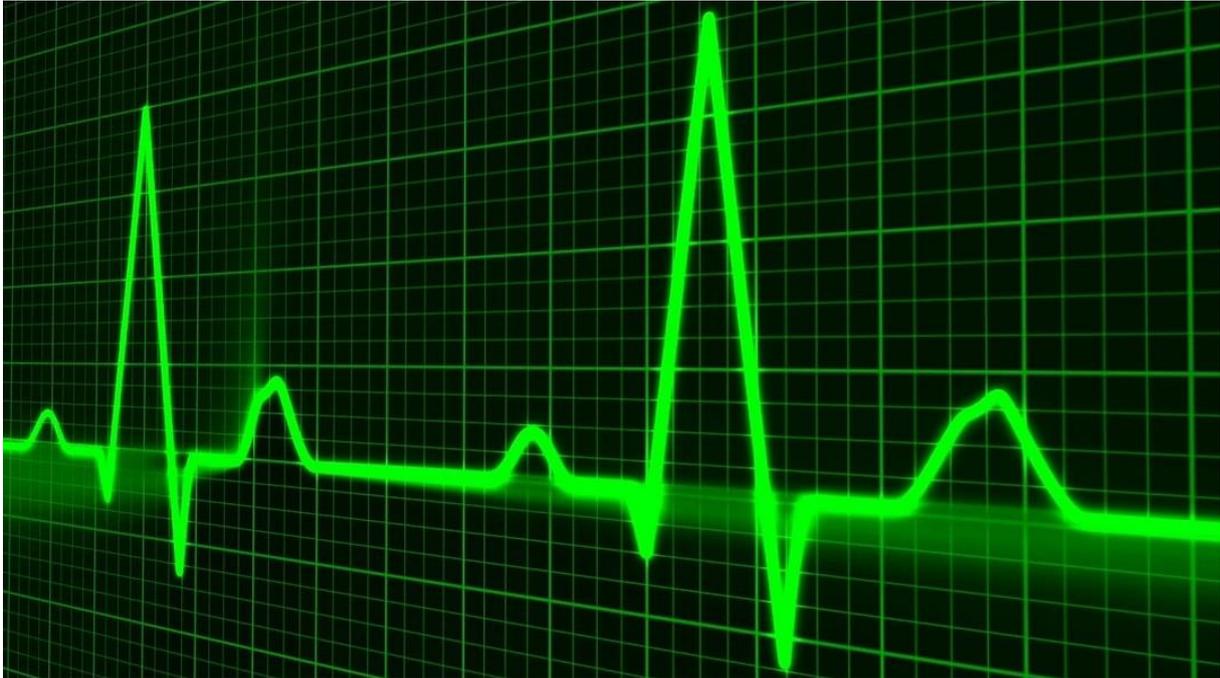
All public utility buildings, multi-residential buildings, production and warehousing facilities and those containing areas exposed to combustion should be equipped with fire extinguishers suitable to the groups of fire that can occur at the site in question.

The obligation to provide fire-fighting equipment at the site is set out in Article 4 of the act on fire protection of Act on fire protection of 24 August 1991 (consolidated text: Dz. U. 2018.620), whereas detailed regulations can be found in the regulation of the Minister of Interior Affairs and Administration on fire protection of building, other building structures and areas of 7 June 2010 (Dz.U. 109.719).

Sites must be equipped with extinguishers meeting the Polish Norms for fire extinguishers. A single unit of mass of the extinguishing agent 2 kg (or 3 dm³) contained in extinguishers applies, except for situations set out in relevant provisions, to:

1. every 100 m² of the fire zone of a building not protected by a fixed fire extinguisher:
 - qualified as risk to humans category ZL I, ZL II, ZL III or ZL V,
 - production and warehousing of over 500 MJ/m² of fire load density,
 - containing areas with combustion risk;
2. every 300 m² of fire protection zone not listed in para. 1, except for those qualified as risk to humans category ZL IV.

The types of extinguishers must correspond to the types of fire that can occur at such site.



Heart attack resulting from overwork is accident at work

According to the Court of Appeals, where there is a causal chain between a sudden illness and the work conditions, the event may be deemed accident at work.

So held the Regional Court in a case involving a man who underwent in July 2014 a heart attack at work with high air temperature.

The Court was supposed to determine whether the event in question resulted from a spontaneous disease or whether external factors could have contributed to it, or perhaps a combination of both. In the case at issue, the external factors include high temperature and work on a hot day.

The expert witnesses called presented a report stating a causal link between the petitioner's physical effort and myocardial necrosis. The event occurred during hard physical work at a high temperature. Moreover, the heart attack was a result of the work despite the underlying 'internal' atherosclerosis processes in coronary arteries.

Effort at work, difficult atmospheric conditions and clinically proven heart attack directly linked in time to the above mentioned activities on that day constituted the cause of accident at work.



Types of work prohibited to minors

A minor, under the Labour Code, is a person between 16 and 18 years of age. Persons at this age enjoy special work protection.

Schedules I and II to the regulation of the Council of Ministers on the list of work types prohibited to minors of 24 August 2004 set out a number of restriction on the work of a minor. Minors are forbidden to be employed at works:

- **requiring excessive physical effort**, e.g.: lifting, carrying, transporting loads and works requiring a large number of monotonous repetitive moves;
- **work requiring permanent forced and awkward body position**, e.g.: bent over, with bent knees, on one's knees, lying down, on the side or on the back;
- **threatening proper psychological development**, including works involving the production, sale and consumption of alcoholic drinks or tobacco products;
- **exposing to harmful chemical agents** – works with dangerous substances or compounds;
- **in an environment in which exposure occurs to harmful impact of:** dusts having fibrillating, irritating, allergenic, carcinogenic or mutagenic effects;
- **involving exposure to the harmful effects of physical agents**, such as: works in the range of electromagnetic fields with intensities exceeding the safe zone values;
- **posing accident threats**, such as operation of power hammers, presses, rollers, shears, guillotines, shredders, drives and add-ons transmitting motion to machines, or works in quarries or open pit mines.



The NFOŚiGW announces new actions against smog

The “National Clean Air Package” is a new campaign in the battle against smog as announced by both the National Environmental Protection and Water Management Fund (NFOŚiGW) and the Voivodship (Regional) Environmental Protection and Water Management Funds (WFOŚiGW). As part of the programme one can obtain as much as 90% subsidy for thermo modernisation of a detached house.

The package, consulted already with all regional funds, envisages the establishment of a comprehensive financing system for smog-fighting efforts. Designed for a 10-year span, the plan is to result in as many as 3m - out of 5.5m – detached houses built in Poland being thermo-modernised (including wall, roof and floor insulation as well as window replacements), with old stoves and heating installations being replaced with modern, low-emission ones. The programme is to initially cost PLN 25 billion.

Such action may reduce the heating costs by even 70%. Moreover, the programme will promote construction of wooden houses, energy-saving and passive buildings, geothermal energy supply, hydro power plants, zero-emission public transport and electric vehicle charging stations.

The only criterion in applying for the aid will be the family’s income per capita. Accordingly, the subsidies from the National Fund will range from 60% to event 90% of the investment (for the poorest families). Those with income over PLN 1,600 per capita will not be eligible for the subsidies. 40% of the costs will be capable of tax deduction in an annual return.



Protective glasses with corrective effect

Incorrect protective and/or corrective glasses considerably deteriorate one's work and, in extreme cases, can lead to accident at work.

Sight deterioration significantly affects the performance of one's professional activities. This particularly applies to those jobs often requiring precision and an ability of good and accurate distance judgement. Moreover, work in conditions of exposure to harmful and dangerous factors requires adequate sight protection against their negative impact.

In industrial practice, protective glasses are required at virtually all workstations.

Corrective glasses are prescribed by doctors in order to correct some form of sight impairment.

In selecting glasses for work, one should take into account the professional activities, e.g. work requiring precision, ambience and distance between the worker's eyes and the elements of their workstation (e.g. a computer screen or the item processed). One should also take into account any exposure of workers to dangerous factors, such as: harmful radiation, chips of processed materials or risk of head injury against protruding elements of one's workstation.