



## **The Ministry of Education (MEN) is amending the regulation on OHS at schools**

**The Ministry of Education has passed the draft regulation on occupational safety and health in public and private schools and educational institutions along to the public and inter-governmental consultation. Schools will have time to prepare for changes until 1 March 2019.**

The most important changes in the regulation:

- The break will last at least 10 minutes, its durations will be suited to the students' needs.
- A group exit, which is not regarded as a trip, must be registered. The model of the register has been set out in Appendix no. 1 to the draft regulation. The register will contain inter alia the exit's target, the muster areas and the people responsible for the care over students. The entries in the register of the group exit will require the principal's consent.
- The classes which require intense mental effort will take place no later than during the sixth class on a particular day.
- The principals will provide their students with a place to leave their textbooks and school supplies in.
- In case of the suspension of classes, the chief education officer must be informed thereof.
- More people will undergo training in the first aid measures.



## Protective and working clothing during the heat season

**Under Article 237(6) of the Labour Code, the employer is obliged to provide the employee with unpaid personal protective equipment that will protect them from dangerous and harmful to health factors present in the working environment. The heat does not exempt the employer from the obligation.**

In case of the protective clothing, the first thing that should be kept in mind is its intended use, i.e. it is supposed to protect the employees. The comfort associated with its use is of secondary importance. However, it does not mean that the employees' comfort should be fully neglected. If possible, the employer should introduce facilities, i.e. purchase shirts, trousers or caps made of natural materials and also equip the footwear with appropriate perforation and thermal pads.

**The protective clothing** is personal protective equipment and its aim is to protect the employee from harmful external influences present in the working environment.

**The working clothing** is made to protect or even replace the employee's own clothing. It is applied in conditions where the employee's clothing may get damaged or significantly soiled or in situations when it is required due to technological and sanitary aspects.



## Registration with BDO is over (Waste Database)

**On 24 July the deadline for registration in the database on waste expired. Pursuant to the new provisions, the transitional period, which has just ended, means that a non-registered entity loses the right to run their own legitimate business.**

The database on waste has as its aim monitoring the entities who place products and products in packages on the market and the persons who operate on the waste market. The entry on the register is obligatory since January this year. At the moment there are 41 thousand persons in the register, so a bit less than 20 percent of all companies that are obliged to register.

*– The marshals of the voivodeships have so far registered approx. 40.9 thousand entities (12.7 thousand of which ex officio) which were obliged to obtain the entry. Additionally, 52.8 thousand applications have been implemented to the system in view of their verification and ultimate acceptance. Other applications are still awaiting their implementation – says the Ministry of Environment in Dziennik Gazeta Prawna.*

According to the statement of Aleksander Brzózka (the press secretary of the Ministry) in Dziennik Gazeta Prawna, the companies which are not included in BDO will not be able to run their own legitimate business. However, it does not mean that these entities cannot submit their applications despite the expiry of the deadline.

Marshal Offices are still waiting for businesses' applications. At the same time they indicate that the time-consuming bureaucracy stems from the imperfect IT tools provided by the Ministry of Environment.



## Safe playgrounds and funfairs

**Playgrounds and funfairs are places made primarily with children in mind. Both of these should meet a number of technical conditions contained in regulations and standards and possess valid certificates stating the periodic checks which have been performed by UDT inspectors.**

The Regulation of the Minister of Infrastructure on the technical conditions to be met by buildings and their location of 12 April 2002 specifies the situation of such places, whereas the sanitary reasons, determined by the Chief Sanitary Inspector, require building a fence around the whole playground or the area occupied by the funfairs.

The whole equipment located in the places of this kind requires expert supervision. The types of checks have been determined in the regulation.

**Playgrounds**, as small architecture objects, are subject to Building Law and require regular checks which should be conducted every five years by a person with the relevant construction authorisations.

**Funfairs** are primarily made of carousels, which are named in the Regulation of the Polish Council of Ministers of 7 December 2012 on the types of technical equipment subject to the technical supervision. Pursuant to the Act on the technical supervision

of 21 December 2000 (Journal of Laws No. 122, Item 1321), they can be used only on the basis of decision that grants authorisation to their operation, issued by the authority of a relevant unit of the technical supervision.



## Working safely in the standing position

**Working in the standing position can be classified as an onerous activity, which cause health problems, i.e. with musculoskeletal system (lower back issues, pain in the feet). The employer must implement measures to prevent occupational illnesses and other work-related illnesses.**

The Regulation of the Minister of Labour and Social Policy on general safety and hygiene at work of 26 September 1997 (Journal of Laws of 2003 No. 169, Item 1650, as amended) specifies the rules concerning the arrangement of the place of work. Pursuant to § 45 (1), **the place of work should be arranged in accordance with the tasks performed therein and psychophysical competences of the employee.**

In the case of work in the standing position or involving walking, the employer should provide the employees with the possibility to take a break in a sitting position near the place of work. What is important, the dining room or canteen do not qualify as resting places, as they are regarded as hygiene and sanitary rooms.

OHS provisions do not specify in their standards the number of hours during which the employees can work in the standing position. It is the employer who takes into consideration the work processes that occur in the place of work and decides on the

time during which the work is performed in a particular position. By arranging the work, they should bear in mind the OHS provisions and rules.



## **Waste fires have contaminated soil with dangerous substances**

**High concentrations of dangerous substances, e.g. of arsenic, lead and cadmium have been discovered in the soil samples collected by Greenpeace on sites after fires of waste in Zgierz and Trzebinia.**

Since the beginning of the year, over 80 fires have occurred in the storages of waste (so called rubbish dumps or tips). Plastic, tyres and e-waste were often found in fire. Greenpeace decided to combat the fire problem and filed a report to the regional environmental offices in Łódź and Kraków about the occurrence of the environmental damage. It also announced a referral to the Prosecutor's Office.

Prof. Adam Grochowalski of the Kraków University of Technology, Institute of Chemistry and Inorganic Technologies stated that substances which were released to the environment by fire are extraordinarily dangerous to health. In the samples examined one could find inter alia heavy metals, which can damage the nervous, cardiovascular and respiratory systems, and also high concentrations of polycyclic aromatic hydrocarbons, the toxicity of which is extremely high.

Greenpeace stressed the fact that one of the crucial elements that will improve the system is strengthening and increasing the funding of the environment inspectorate. In June non-governmental organisations, including Greenpeace and The Society for

Earth, submitted comments to the Ministry of Environment concerning an amendment to the act on waste.



## **Penalties for failure to comply with OHS regulations**

**The employer must provide safe and healthy working conditions for workers employed on the basis of a contract of employment or other civil law contract. They are criminally liable for failure to comply with OHS provisions.**

The National Labour Inspectorate may impose a fine of up to PLN 2,000 for failure to comply with labour law legislation on the employer or any person acting on their behalf. In case where the employer has committed a similar misdemeanour at least twice and within two years of the last punishment commits it again, a Labour Inspector may impose a fine of up to PLN 5,000 in simplified fine proceedings.

The imposed fine, even in the maximum amount, may sometimes turn out to be insufficient in relation to the infringements committed. In this case, the Labour Inspector can apply for punishment to the court, which in turn may impose a fine of between PLN 1,000 and PLN 30,000 on the employer or any person acting on their behalf.

The employer who maliciously or persistently violates the rights of employees under an employment contract or social security, may have a fine imposed or the penalty of restricted freedom or the prison sentence of up to 2 years. Additionally, the information on conviction will be recorded in the National Criminal Register. The

court may also ban the employer (a natural person) from taking up executive positions for the period from 1 to 10 years.



### **Is it possible to perform initial OHS training before signing the contract of employment with an employee?**

**It is not possible to perform initial OHS training or the initial OHS toolbox talk before signing the contract with an employee, and the training cannot take place on public holidays or outside of employee's working hours.**

The provisions of the Labour Code state that the employees must undergo initial OHS training before being admitted to work; however, it cannot take place before signing the contract of employment since the people employed do not possess the employee status.

Pursuant to Article 237<sup>3</sup> (3) LC, OHS training should take place during working hours and at the employer's cost. It means that the time spent on training is included in the employee's working time, for which the employee retains the right to their salary. If the training cannot take place during the employee's working hours, then the training takes place outside normal working hours, and is treated as overtime work. Consequently, the employee retains the right to their salary with a special bonus for the time they spent on OHS training or they will be granted a time off from work under the terms set out in the provisions of the Labour Code.

The training should not take place on Sundays, public holidays or outside the employee's working hours. The only exception is when e.g. a Sunday is the

employee's working day (e.g. continuous work). In this case, the employee may undergo the training on that day.



## **The Senate has adopted quality standards for coal**

**On 27 July of this year the Senate adopted without amendments the act on amending the act relating to the system of monitoring and controlling the fuel quality and the act on National Tax Administration, which provides for implementing quality standards for coal and ban on sale of the worst quality fuel to the consumers of the municipal and household sector.**

The new act imposes a ban on sale of the worst quality fuels, i.e. coal muds, coal flotation, mixtures containing less than 85 percent of hard coal to the municipal and household sectors.

Appropriate standards will be applied in case of the solid fuels for household use and in installations with a heat output less than 1MW, i.e. in boiler rooms located by residential buildings, schools and hospitals. A two-year transitional period for lignite for individual heating boilers has also been incorporated into the act.

The certificates of fuel quality will be introduced as well. It means that the purchaser will be accurately and comprehensively informed about the product they buy. The solutions applied are also to eliminate the procedure of soaking coal with water – aimed at increasing its mass. The checks at external borders and custom storage warehouses will be conducted by the Trade Inspection or the Tax and Customs Office randomly in warehouses.

According to the adopted act, coal muds that are responsible for formation of smog should disappear from coal storages. The businesses that will not comply with that will be liable with high financial penalties or even imprisonment.



## OHS training for alpinist workers

**Alpinist works are classified as particularly dangerous. They are performed at heights in hard-to-reach places and the workers are protected by ropes. When hiring 'an industrial alpinist', the employer must strictly obey the OHS provisions.**

Alpinist works owe their name to the alpinists, who climb mountain peaks with the help of ropes, clasps, hooks and clampons. In this case the rope gear is not only a security measure, but also allows the alpinist to climb hard-to-reach places. These works may be associated i.e. with cleaning and painting of the elevations, cleaning or setting up the elements of steel structures, roof reconstruction, putting ads on posts or window cleaning.

Alpinist workers must undergo appropriate training in the scope of OHS rules and provisions and workstation instruction (initial training), but also the training on heights that will provide them with the knowledge of industrial mountaineering techniques, i.e. the rope access and basic techniques of construction access. This obligation is set out in Article 237(3) (1) LC, which states **that a person cannot be allowed to work, if they do not possess required qualifications or skills essential to its performance and also the adequate knowledge of OHS provisions and rules.**

The OHS periodic training for alpinist workers must be repeated once a year.