



## **Employer obligations with regard to particularly dangerous works**

**A list of particularly dangerous types of work can be found in the regulation of the Minister of Labour and Social Policy on the general regulations on occupational health and safety of 26 September 1997.**

Under the regulation of the Minister of Labour and Social Policy of 26 September 1997, the types of work that are particularly dangerous include: construction, demolition and assembly works, work at heights; works in vessels, canals, inside technical equipment and other dangerous enclosed spaces; works using dangerous materials.

Employers are under an obligation to:

- Determine, and update when necessary, a list of particularly dangerous types of work performed on the site;
- Specify special OHS requirements for the performance of such works;
- Ensure: direct supervision from specifically appointed individuals; proper protection measures; staff instruction; that the places where such works are performed are only accessible to authorised and properly trained individuals;
- Attach a list of particularly dangerous types of work, together with a list of work to be performed by a minimum of two persons, to the Work Rules or communicate them in other internal documents.



## Frequency of periodical checks of low-voltage electrical installations

**Under Construction Law, a building structure, i.e. electrical and energy lines, stations and installations, must be designed and built in accordance with the relevant regulations, ensuring among other things the safety of use.**

Owners or administrators of building structures that are in use must subject them to certain periodical checks:

- **Once a year**, of the technical condition of the elements of buildings, structures and installations exposed to harmful atmospheric impact or destructive impact of factors occurring during the site's use;
- **at least every 5 years**, of the technical condition and fitness for use of a building structure. The check must include the electrical and lightning protection installations checking for the functionality of the connections, equipment, protection and safety measures against shocks, the resistance of cable insulation, and earthing of installations and apparatus.

**The PN-HD 60364-6:2008 standard** requires that the frequency of checks should be adjusted to the type of installation and equipment, its application and operations, the quality of maintenance and external factors to which they are exposed. Safety checks of such items should be carried out **at least on a monthly basis**, whereas the condition and insulation resistance of the equipment should be checked **at least twice a year**.



## Sort waste – pay less

**Works are underway on an amendment to the act on cleanliness and order in municipalities. The Ministry of Environment proposes to make the waste fees 'fixed'. This means that we will pay four times less for sorted waste than for unsorted waste.**

The most important aspect of the amendment is to encourage citizens to sort their waste. To this end, the Ministry proposes to reduce fourfold the fee for waste that is already sorted.

*- Naturally, it is the municipality or a municipal union that will determine the fees, but there is going to be a single principle: a four-time lower fee for those who sort. – Aleksander Brzózka, a spokeswoman for the Ministry of Environment tells the Communal Portal.*

The analyses of the ME say that the level of recycling in Poland stood at 28 per cent in 2016. However, it is supposed to reach 50 per cent by 2020 and increase even more in the following years: by 2025 – 55 %, by 2030 – 60 %, by 2035 - 65%.

*- We have had a single waste sorting system since last year. According to our data, approx. 60% of Polish municipalities have adjusted to it and comply with it, but e.g. Warsaw is a sad example. So we want to give the local authorities another tool for enforcing their obligations - Aleksander Brzózka sums up.*



## Are employers required to undergo OHS training?

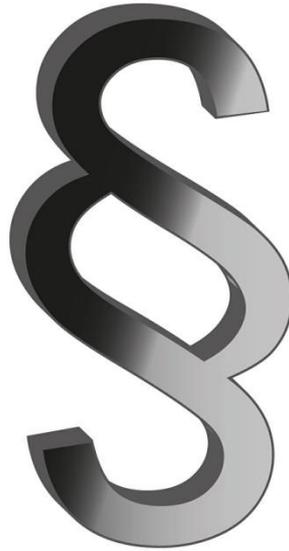
**Employers are required to attend an OHS training insofar as it is necessary to comply with their obligations. Such training should be repeated periodically (Labour Code Art. 237<sup>3</sup> § 2<sup>1</sup>).**

The regulation of the Minister of Economy and Labour on training in occupational health and safety (Journal of Laws No 180, item 1860, as amended) of 27 July 2004 regulates the rules for and scope of employer training.

Under the regulation, training for employers should be conducted by institutions engaged in training services in the area of occupational health and safety. These include:

- permanent and practical education institutions, additional vocational training and perfection centres,
- high schools,
- R&D institutions, higher education institutions or other research institutions,
- associations whose objects include OHS-related activities,
- legal or natural persons providing educational services on the terms set out in the regulations on the freedom in business.

Where an employer is also in charge of the OHS service in his/her enterprise, he/she should undergo specialist training developed on the basis of the curriculum set out in Part III of Appendix 1 to the regulation.



## Minors above 15 years of age

**A Labour Code provision on the employment of minors came into force on 1 September 2018. The amendment concerns the age threshold which has been reduced from 16 years to 15 years of age.**

According to the definition – a minor is a person who has attained 16 years of age (15 years since September) and not exceeded 18 years. The Labour Code prohibits the employment of children, i.e. currently those below the lower threshold set out in the statute. Those in this age segment can only work for entities engaged in cultural, artistic, sport or advertising business.

Under Art. 191, only minors who:

- have completed a minimum of **8-year primary school**,
- have presented a **medical certificate** stating that the work of a given kind is not harmful to their health

can be employed in other industries.

On the other hand, a minor without vocational qualifications can only be employed for the purposes of vocational preparation.

Moreover, the Labour Code provides detailed rules for the employment of minors, e.g. holiday entitlement, working hours and prohibited work types.



## There will be charges for plastic bottles

**The Ministry of Environment is currently working on an amendment to the waste management act. A new regulation is to introduce charges for packaging made of plastic, glass and cardboard. However, the President of the Polish Chamber of Recycled Packaging has expressed doubts.**

The introduction of the new charges is intended to help attain the recycling levels specified by the European Union by 2025.

*- We want recycling to be profitable - Henryk Kowalczyk, the Minister of Environment, tells the Prawo.pl portal. - If someone places plastic bottles on the market, the price for such bottles should include some kind of charge which will be then used to subsidise recycling.*

He also explains that in this way, the waste producer will pay for the waste, its processing and recycling. The introduction of the recycling fee on plastic bags has already brought about tangible results as customers to shopping with their own eco-bags instead.

However, Konrad Nowakowski, President of the Polish Chamber of Recycled Packaging, is not sure this is the best idea. He believes that introducing subsequent environmental taxes without careful consideration may not contribute to the efficiency of the system, but will definitely adversely affect the purchase prices and the wealth of Poles and the competitiveness of the economy.



## **Does an employee employed on a mandate contract have valid medical examinations?**

**Employers are responsible for the safe and hygienic conditions of work at their enterprises and are under an obligation to care for the health and life of those employed by them.**

**And although the relevant regulation do not unambiguously regulate the issue of medical examinations for those employed on mandate contracts, there are situations where a medical certificate will also be required from contractors.**

Art. 304. § 1 of the Labour Code stipulates that an employer is required to ensure safe and hygienic conditions of work to all employees employed on contracts other than an employment contract at the employer's business or another place specified by the employer. Employee's obligations to comply with OHS regulations to the extent specified by the employer apply equally to those employed on other grounds than a contract of employment.

Where the type of work, the degree of hazards involved in the work conditions of the work processes is considerable and it is recommended that only those having proper health be admitted to perform such works, or be present in such conditions, the employer may request contractors to undergo relevant medical examinations.

It should be remembered that a contract of mandate can also specify any issues relating to OHS and medical examinations.



## **E-learning – learn when, where and how you want to learn**

**We all agree that learning is key to success, both in professional and private spheres. In selecting a proper course, the form is not insignificant. According to our observations, e-learning is currently one of the most frequent learning methods of choice for small and medium-sized businesses, but also for large corporations.**

### **Find out about the advantages of e-learning:**

- No need to travel – you can learn anywhere on the Earth;
- Pay less – you can reduce the costs involved in travelling or accommodation in the destination;
- Learn at any time you want – you're not confined to certain timeframe defined by the training organiser;
- Organise the pace and learning process yourself - you plan and implement your learning plan over time so that it does not interfere with your other commitments;
- Revise any time you want.

### **Find out about the disadvantages of e-learning:**

- No contact with other trainees;
- Problems with self-motivation and self-discipline;
- Technology dependence – computer equipment, Internet access.

As can be seen, the advantages of e-learning outweigh its disadvantages, hence the considerable interest in this learning method.



## **Carpal tunnel syndrome – an occupational disease?**

**Not every chronic disease resulting in an employee's absence will be deemed an occupational disease. The main criterion qualifying a medical condition in question is its being listed in the catalogue of occupational diseases, and this is regulated by the relevant regulation.**

CPT, i.e. the carpal tunnel syndrome, is a medical condition due to compression of the median nerve as a result of prolonged stress. The cause of the CTS is unknown in over 90% of cases. Hands strain as a result of repetitive actions may contribute to it. These may include brick-laying, conveyor belt work in a factory or many hours of data entering using a computer keyboard.

A prerequisite for a chronic disease being qualified as an occupational disease (listed in the catalogue) is that a proper assessment of exposure be carried out in the employees who have been diagnosed with chronic diseases of the peripheral nervous system caused by the manner of work.

The work factors that have been named as the most conducive to CTS include:

- exposure to long-lasting, repetitive, monotonous wrist movements in various directions;
- monotypical movements of grasping, clutching to the work tools or processed items with considerable force and long-lasting forced position of the upper limb in the wrist.



## **The Ministry of Education amends the regulation on OHS at schools**

**The Ministry of National Education has passed the draft regulation on the health and safety in state and non-state schools and education institutions on to social consultations and interministerial consultations. Schools will have time to prepare for the amendments until 1 March 2019.**

The most important changes in the regulation include:

- Minimum time of school breaks is to be 10 minutes with the breaks being adjusted to pupils' needs.
- Group outings that are not trips must be registered. A specimen register is set out in Appendix 1 to the draft regulation.  
The register will include, among other things: the purpose of the outing, place of assembly, and those responsible for looking after the pupils. The entries in the group outing register will require approval of the school's principal.
- Activities requiring considerable mental effort cannot be done later than during the sixth lesson on a given day.
- School principals will be required to ensure room for pupils' books and school utensils.
- A superintendent must be notified if classes are to be suspended.
- The list of individuals required to undergo first-aid training will be extended.