



What does an OHS audit involve?

The responsibility for the health and safety in the company rests with the employer. Relevant requirements are set out both in the Labour Code and in the Regulation of the Minister of Economy and Labour on the general OHS regulations. Basically, an OHS audit aims to assess the actual working conditions for compliance with the law.

Work conditions are a crucial factor having influence on employees' safety and comfort of work. From an employer's point of view, they are vital in that failure to comply with a number of legal requirements could result in criminal liability. An OHS audit helps to identify any irregularities occurring in the workplace while entailing no legal implications.

Following an audit, a **report** is drawn up listing all compliance and event of non-compliance with the existing regulations. Such a report will also contain recommendations for new standards and/or procedures to be implemented in order to improve occupational health and safety in the company.

As a result, the employer will have time to implement the recommended solutions thus avoiding the negative implications of possible audits carried out by relevant authorities.



Removing snow from roofs safely

Excess amounts of snow on the roof can lead to a construction disaster while the icicles forming on or near the gutters can pose threat to passers-by. Under the current regulations, the administrator or owner of a residential, industrial or commercial building is required to ensure that the snow on the roof of such a building be regularly and safely removed.

Removing snow from roofs, particularly steep ones, always involves the risk of slipping and falling. For this reason, the works of this kind should be organised with extreme caution, with **the requirements from the workers** being particularly high.

It is a good practice to apply **collective protection measures**, such as railings, protective nets or skylight grills. This increases the safety of those working there. Where there are no such protections, the workers must be equipped with **personal protective measures** and trained in their proper use.

Where a building has not passed a periodical technical check-up and the technical condition of the roof raises any doubts, workers must not be admitted to work as this could place their lives or health at risk.

During works on the roof, the surrounding area must be protected so as to prevent passers-by from any threat. The fenced-out zone must cover an area of 1/10 of the building height; however, not less than 6 metres.



'Green regulations' apply to all businesses

Every business, even the smallest one, has obligations under environmental law. It is sufficient if one uses a company car, boiler room or merely distributes marketing materials. Unfortunately, the awareness among businesses is still very low in this respect.

Companies' obligations with respect to environmental protection mainly consist in periodical reporting under the relevant statutes and regulations. The most important obligations include:

Incurring environmental fees, e.g. on account of emissions of dusts and/or gases into the air, disposal of waste to a tank, water collection;

- Filing reports with the National Emission Balancing and Management Centre (KOBiZE);
- Keeping records of the waste generated as well as submitting breakdowns of the waste generated;
- Filing reports on the packaging and packaged products marketed.

One must also not forget to obtain relevant environmental permits issued by way of administrative decisions, e.g. on account of discharging liquid industrial waste into the public sewage system, boiler room use or running a paintshop.



OHS: Organisation of work at workstations with computers

Standing up or sitting in the same position for too long not only is strenuous for the employee, but it can also lead to spinal conditions, including degenerative joint changes. That is why it is imperative that the staff's working time should be organised properly and in compliance with applicable regulations.

Despite the fact that working in a standing-up position is more tiring, it is sitting that causes considerably greater (by approx. 40 – 90%) strain on the lumbar, which can lead to problems with the backbone in the future.

Under **Section 7 of the Regulation of the Minister of Labour and Social Policy of 1 December 1998 on the occupational health and safety at workstations using monitor screens (Dz. U. 148.973)**, an employer must organise work in such a way as to ensure that each employee could, after each hour of uninterrupted work at the computer, change his or her duties to such as will not strain the sight or will be performed in a different body position.

If, however, such a change is not possible, then the employer must allow a minimum of 5-minute break, counted as working hours and having no influence on the employee's pay, after each hour of uninterrupted work involving a computer screen.

Pregnant women can only work continuously at the computer for up to 50 minutes and must be allowed a 10-minute break afterwards, which will naturally count as working hours.



Sole traders' OHS

A sole trader who does not employ any staff is not legally required to comply with the OHS requirements under labour law. However, the situation changes upon employment of even a single employee. The owner then becomes an employer and is subject to OHS regulations under the Labour Code.

The moment a business begins to employ staff, it becomes an employer, to which the regulations under the Labour Code as well as other applicable statutes and regulations begin to apply. The scope of employer's OHS obligations will depend on the type of business activity, number of staff and the scale of its business operations. However, this does not require an additional OHS-related position to be created.

OHS-related duties can be performed by the owner of the business himself or herself, but only on condition that they have completed relevant training relevant to the OHS Service and employ up to 10 employees. Another case is where an employer employs up to 50 employees and has been qualified as the business category of up to risk category three under the social insurance regulations for accidents at work and occupational diseases.



Fire protection – Building evacuation rules

Each building must ensure a possibility of evacuation of the people who are present in it or their safe survival in it. According to its definition, evacuation means organised replacement of people from a dangerous zone to the safe one.

The building administrator is required to run cyclical drills in safe evacuation in case of fire or other danger, e.g. gas or bomb explosion. During such training the most important rules are taught for safe and efficient evacuation.

During an evacuation, those in charge of it should begin their operations from the premises where the fire or other danger was created, or from which exit or access to safe evacuation routes could have been cut off.

The staff must be strictly subordinated to and cooperate with the person in charge of the action, e.g. the site manager or a person appointed by them.

Where fire makes evacuation from the building impossible, then while waiting for the rescue team one should:

- Close the door,
- Tighten it with wet cloth such as blanket or jumper,
- Open the window and call for help.



Amendments to OHS regulations in 2019 - a summary

This year has seen many intensive changes to the current legal system. In January 2019 new Labour Code regulations will come into force providing businesses with some more favourable solution in tax and business law (the so-called SME Package). With regard to OHS, two matters will change, namely those relating to periodical OHS training and employers acting as the OHS Service.

After the changes, **periodical OHS training will not be required** in the case of employees employed at administrative and office positions where the employer's prevailing business for the purposes of public statistics regulations fall into the **category of risk not higher than three** for the purposes of social insurance regulations for accidents at work and occupational diseases, unless it is necessary according to a risk assessment under Art. 226 (Art. 237(art. 237³(2¹) Labour Code).

Another change involves **increasing the upper limit of the number of employees to 50 where the employer can fulfil the OHS Service duties** provided that:

- the **type** of business in question fall into a risk category not higher than three,
- The employer **has completed** special training for employers performing the tasks of an OHS Service in accordance with section 13(1) of the Regulation of the Minister of Economy and Labour on the training in occupational health and safety of 27 July 2004 (Dz.U. 2004 No. 180.1860, as amended).



Personal permits with a validity period for lift trucks

The Regulation on the occupational health and safety in operating motor-powered lift trucks, which came into force on 10 August 2018 (Dz.U. 2018.47) specifies new requirements for personal permits for those operating lift trucks.

Under the new wording of the Regulation, qualifications to operate lift trucks with mechanically-powered lift mechanism can be obtained by a person who has attained 18 years of age and has qualification certificate for the operation of lift trucks. Such a certificate will be issued at the request of the employee or his/her employer upon successful completion by the applicant of a two-part examination.

The new regulations set out validity terms for personal permits. Under the relevant statute permits issued:

- until **31 December 2004** will be valid not longer than until **31 December 2019**;
- until **31 December 2014** will be valid not longer than until **31 December 2020**;
- until **1 December 2015** will be valid not longer than until **31 December 2021**.



New powers to the Environmental Protection Inspectorate (EPI) from January

On 1 January 2019, a new law on environmental protection, i.e. the Act on amending the Act on Environmental Protection Inspectorate and certain other statutes (Dz.U.1479) comes into force. The amended regulations provide inter alia for new powers and auditing instruments for the Environmental Protection Inspectorate (EPI).

From January on, the responsibilities of the Inspectorate will also include prosecution of offences against the environment under the Criminal Code, the Act on waste and misdemeanours under the Petty Offence Code. The inspectors will have the power to bring official accusations.

Inspectors will work shifts as their working hours cannot exceed 8 hours a day. This regulation enables them to carry out audits **at every time of day or night**.

The regulations also allow **scheduled as well as unplanned (spot) checks**. Unplanned audits means audits carried out at the request of administrative authorities or entities where relevant provisions provide such powers and **emergency audits**.

Moreover, the Inspectors will be allowed to use satellite technologies, drones, record vision and audio as well as identifying individuals or demanding certain documents to be produced.



OHS: Women's work protection

Women differ from men in inter alia the anatomic body build as well as the values of the physical force. For instance, their muscular mass is approx. 30% lower than that of the other sex. According to a report entitled "Occupational diseases in Poland in 2005", women more often fall ill with the locomotor system than any other occupational diseases.

Taking those factors into account in defining the parameters of a workstation (such as admissible levels of possible forces, admissible weight of object lifted and carried, etc.) different values have been assumed for women than for men.

Thus, women must not be employed at jobs that are particularly strenuous or harmful to health (a list of such jobs is set out in a Council of Ministers regulation). Pregnant and breast-feeding women enjoy special protection, such as:

- A contract of employment cannot be terminated during an employee's pregnancy, and during an employee's maternity leave;
- Pregnant women must not be requested to work at night or do overtime work;
- A breastfeeding employee has a right to 2 half-hour breaks, while employees breastfeeding more than 1 child are entitled to two 45-minute breaks;
- A female employee raising a child under 4 years old can only be asked to work overtime or during night hours or delegated to work outside his/her normal place of work without her consent.