



When can lighting be a hazard in the workplace?

Lighting can also become a hazard. This can happen where improper lighting is selected and/or fitted in violation of the rules, or where it causes the eye fatigue in employees, thereby affecting their safety.

The workstations where lighting-related problems most often occur include those equipped with screen monitors. Despite the obligation imposed upon employers to ensure safe and hygienic work conditions, such workstations are not always properly designed and organised.

An inadequately lit workstation will cause excessive strain on the eyes, which amplifies fatigue, but can also lead to a medical condition or deteriorate an existing one (by worsening a sight impairment). Under such circumstances lighting can become a harmful factor, i.e. a hazard.

In organising a workstation, evenly dispersed lighting of the working space (e.g. a desktop) is of paramount importance, in addition to the legal requirements.

A good solution could be the choice of indirect lighting as opposed to direct light. Such lighting is characterised by a hidden source of light, with the light propagating around the room through reflections from the ceiling, walls or floor. This allows one to avoid both glaring and shade.



Energy qualification types

According to the legal definition, energy qualifications refer to qualifications confirmed by a certificate issued by an authorised body. Those servicing and maintaining energy networks, equipment and installations must hold the necessary qualifications.

Art. 5 (1) of the Regulation of the Regulation of the Minister of Economy, Labour and Social Policy of on the specific rules for determining the qualifications held by those dealing with maintenance of equipment, installations and networks sets out the following work and position types that require relevant energy qualifications:

- **Work positions: Maintenance** positions – these include work involving operation, maintenance, repair, installation, monitoring and measurements; oversight positions – these are managerial in nature and concern those directing the activities of others who perform the works specified in section 1, as well as technicians supervising equipment, installation and network maintenance.
- **Types of work:** operation, maintenance, repair, installation, monitoring and measurements.

Moreover, Appendix 1 to the Regulation specifies the **types of equipment, installations and networks** whose maintenance requires relevant qualifications. These include: **G 1** – those generating, processing, transmitting and exploiting electricity. **G 2** – those generating, processing, transmitting and exploiting heat and

other energy equipment. **G 3** – those generating, processing, transmitting, storing and exploiting gaseous fuels.



Carbon dioxide norms defined for trucks

Starting from 2025, trucks will have to emit 15% less CO₂ than in this year (2019). This requirement results from an agreement of the European Parliament and the European Council on new CO₂ emission norms for passenger cars and vans in the EU following 2020.

The introduction of the new regulations aims at supporting climate action and environmental protection. In the assessment of the non-governmental organisations associated in the ‘Transport & Environment’ (T&E) federation, they will be subject to review in 2022 and will require an adjustment in order to comply with the Paris Agreement.

According to the assumptions, as of 2025 new trucks and buses are to emit an average 15% less CO₂, and as of 2030 – 30% less.

Stef Cornelis, a specialist in heavy transport emissions at T&E, commenting on the regulations has stated that the new CO₂ emission norms for trucks is excellent news for both businesses and the environment.

Truck manufacturers will be in a position to use the ‘super loan’ mechanism until 2025 whereby the sale of non-emission trucks will be included a number of times in the calculations of CO₂ emission reductions. However, after 2025, these loans will be

abandoned, as a result of the pressure from the European Parliament, in favour of a non-binding sale target.



Lighting parameters required at construction sites

Standard BHP 09.05, developed by the Agreement for Safety in Construction (PBB), sets out the minimum requirements to be met in order to ensure proper lighting to a construction site and workstations. It is obligatory for all parties to the PBB and helps ensure safe and efficient work practices.

The guidelines set out in the above standard specify the lighting parameters for a construction site:

- Light fixtures should be mounted on posts, masts and towers;
- The posts should be between 3 and 20 m in height and the cranes 3 m in length;
- The minimum height of light fixtures is specified in relevant provisions of law;
- Tripods should be used for when providing lighting for outdoor areas for short periods of time;
- Lighting installations and equipment should be kept serviceable through regular checks;
- All electrical and energy equipment should provide protection against electric shock;
- The lighting installations at a construction site should be inspected by authorised individuals at least twice a year;
- The points of light must be so laid out as to ensure that the notice boards and signs as well as the traffic signs on the construction site can be read easily;
- The lighting of a construction site and non-stationary workstations should be so designed as to ensure that the workers can freely move around the entire area of the site and see clearly the objects of their sight while performing work.



A post-accident report template – changes in 2019

The Ministry of Family, Labour and Social Policy has drafted a regulation on the work accident circumstances and causes investigation report template. The draft is currently at the public consultations stage.

The currently binding regulation of the Minister of Economy and Labour on the work accident circumstances and causes investigation report template of 16 September 2004 (Dz. U. 2298), issued under Art. 237(2) of the Labour Code requires to be amended in order to deregulate the obligation on citizens and businesses to apply seals/personal seals. Moreover, the amendment aims at minimising the amount of personal data to be processed, i.e. adjusting to the GDPR.

The draft regulation sets out:

- resignation from the employers' obligation to attach a seal, hitherto required on the report;
- removal of the employer's REGON statistical number as being unnecessary for this regulation;
- removal of the Tax Identification Number (NIP) of the injured person;
- removal of the place of birth and father's name of the employee injured in an accident at work;
- leaving in place both the injured employee's and employer's PESEL number or ID number or another identity document, which will also allow for the identification of foreigners being either employees or employers.



Fire safety manual – every employee should be familiar with it

Every employee hired, regardless of the position to be taken and type of activities to be performed is required to be familiar with the fire safety manual in operation at the site. This must be acknowledged by a signature placed on a written statement which is recorded in the employee's personal files.

Pursuant to the Act on fire protection of 24 August 1991, owners, administrators and users of buildings, building structures or areas have an obligation to make their respective staffs familiar with the fire safety regulations. However, the provisions do not define the term 'making familiar'. Nor will one find there terms such as 'fire safety training' or 'fire protection training'.

The only possibility for regulating the problem is a site fire safety manual which is deemed as an act of internal law in the workplace.

An employer, in adopting a fire safety manual for a facility, must specify the manner in which the employees will be made familiar with the relevant fire safety regulations. The part of a fire safety manual that addresses making staff familiar with fire safety regulations should also properly incorporate the solutions adopted in the area of OHS training.



Mobile phone zombies

Mobile phone zombies are none other but smartphone users. They use their phones while crossing the street, cycling or even driving a car. Their attention being focused on the device in hand, they often float about the streets just like zombies.

Such description was given to them by Przemysław Tomaszewski, Regional Health Safety and Protection and Environmental Protection Manager at Lafarge in Poland (member of the Safe at Work coalition), in a comment he made.

He states in the text that it is a real problem since - as the data demonstrate - the symptoms of conversion into a smartphone zombie can be observed in as many as one in 5 residents of a large city in Europe and around the world.

European city authorities have started to notice the serious problem and are trying to adopt various initiatives aiming at preventing dangerous situations in the roads. The author quotes the example of the Augsburg authorities, which ordered LED traffic lights in pavements and additional sound signalling near tram rails. The aim of such devices is to prevent the smartphone-staring pedestrians from causing dangerous situations on the road.

Unfortunately, despite Art. 45(2)(1) of the Traffic Law, which unambiguously states that 'the driver of a vehicle shall not use while in motion any phone requiring the holding of a receiver or microphone in hand, drivers still keep using their smartphones. And the statistics are ruthless: the number of accidents caused by drivers using their smartphones while driving is still rising.



Initial report – what is it, who does it concern and what does it contain?

An initial report, also known as base report, is a document to be attached to an application for the issuance or modification of an integrated permit. It describes the actual state of the ground-water environment. Its full name is: *Initial report on the states of soil, earth and groundwater contamination with hazardous substances.*

An amendment to Environmental Protection Law of 11 July 2014 imposed a requirement that initial reports be drawn up in Poland from 2014 on. The obligation only concerns installations producing, utilising or releasing hazardous substances. Also, there must be likelihood of contamination with such substances of soil, earth or ground water on the area of the site.

Each initial report should contain information on the activities performed at the site as well as the activities performed in the past. The document should contain a very precise list of all dangerous substances produced, utilised or released by the installations requiring a relevant integrated permit.

A necessary part of an initial report is information concerning the state of contamination of soil, earth and ground water with the above mentioned substances. Such data should be confirmed by the finding of research carried out by an accredited laboratory. Thus, one must determine beforehand the places where samples of the ground and ground water are to be taken as well as the scope of necessary research.



Environmental obligations relating to the use of a welding shop

Every business using welding in its operations is subject to certain obligations under the Environmental Protection Act. The regulations specify precisely on which grounds can welding works be carried out at a site.

Due to the welding process, whereby the so-called welding fume is generated, and under the Regulation of the Minister of Environment on the events where releasing gases or dusts into air from installations does not require a permit of 2 July 2010, a welding shop user is under an obligation to obtain relevant permits.

A welding installation with **up to three welding workstations** does not require a permit, but only a **notification** must be made.

Where a business has **more than three welding workstations**, then the installation will require a **permit**.

A notification or permit obtained for an installation will be valid until any changes are made to the installation, e.g. extension or rebuilding. Failure to obtain a relevant permit or violation of its terms will be punishable with: detention, limitation or liberty or fine.

Moreover, by the end of March, aggregate information must be filed concerning the scope of environmental use including welding emissions, while by the end of February and additional report must be filed with the KOBiZE.



Employer's basic OHS obligations

We have often written in our publications that employers have obligations in respect of occupational health and safety under the Labour Code and its secondary legislation (regulations). What then do the regulations specify?

First and foremost, Art. 207(1) LC provides that liability for the state of occupational health and safety in the workplace rests with the employer. Under another provision, i.e. Art. 207(2) LC, it is an employer's obligation to protect the health and life of his employees by providing safe and hygienic work conditions, making proper use of the latest advancements in science and technology. An employer is required in particular to:

- organise work in a manner ensuring safe and hygienic work conditions;
- enforce compliance with OHS rules and regulations in the workplace;
- respond to the OHS needs of the staff;
- ensure the development of a coherent policy preventing accidents at work and occupational diseases;
- give proper regard to the protection of the health of minors, pregnant or breast-feeding employees and disabled staff.

Pursuant to Art. 207(3) LC, it is an employer's, or a person managing the employees, to be familiar, to the extent necessary to perform their statutory obligations, with work protection regulations, including the OHS rules and regulations.