



Labour Code: pay transparency in job offers

When posting a job advertisement an employer will also be required to state the level of remuneration offered at the position at issue. This is one of the most important changes proposed in the MP-drafted amendment to the Labour Code. Currently, following the first reading in the Sejm, the draft has been passed on to the Extraordinary Committee for codification amendments.

The statement of reasons for the draft provides that a lack of information on proposed salaries in job advertisements affects primarily the groups of employees that are the most vulnerable to unequal and discriminatory treatment: minor and female employees. It has also been pointed out that the question of remuneration is a taboo in Poland with recruiters and employers frequently treating questions concerning pay as indication of a lack of good manners, a claiming attitude or arrogance.

The authors of the amendment argue that a change in market customs would benefit both employees and employers.

The draft stands a good chance of being enacted as the amendment was supported at the last Sejm session by the Ministry of Family, Labour and Social Policy (MRPiPS).

The amendment is also supported by trade unions. A positive opinion has been submitted by NSZZ „Solidarność” (a labour union). It pointed out that a lack of information on the level of salary often serves to conceal unequal treatment of employees and acquiring employees at as low a cost as possible. The draft is also supported by experts.



OHS Management Systems. Is it worth having one?

Ensuring safe and hygienic conditions of work to employees, but also to all those present of the company premises, is an obligation imposed on every employer and facility administrator. These requirements will certainly be met more efficiently if the company implements an OHS management system.

An occupational health and safety management system is part of an overall organisation management system. It is used to establish and reach a company's goals in the area of OHS. It should be compliant with the series PN-N-18000 standards, and following 11 March 2021 with the ISO 45001 standard.

Not only will implementing an OHS management system make it easier to comply with the legal OHS requirements, but it will also contribute to enhancing the safety level. Mechanisms applied in the new ISO 45001 standard assure companies that their Management Systems will be in line with the law.

An efficient OHS management system will contribute to:

- reducing the number of accidents at work and occupational diseases and the losses related therewith;
- monitoring all hazards which could impact the organisation's operations;
- reducing workers' sickness absenteeism;
- increasing performance and enhancing work quality;
- raising the staff's morale.



UN report: people's health in danger. Immediate action necessary.

The United Nations Organisation has published a report analysing the current state of the natural environment. The analysts inform that the environmental degradation caused by humans is deteriorating so rapidly that the very foundations of our existence could be compromised soon.

The GEO6 report sets out the current state of the natural environment and analyses the efficiency of the actions hitherto taken. It emphasises that decision-makers at all levels should take immediate global-scale action in order to avert a catastrophe or at least to mitigate its impact. We should above all bring down CO₂ emissions as well as reducing air and water pollution.

Air pollution is, according to the authors, a major threat that could be responsible for as many as 6 to 7 million premature deaths by 2050. Moreover, the following threats have been mentioned in the report: climatic changes, soil degradation, pressure on land and marine ecosystems, urbanisation, food and natural resource wastefulness, contamination of inland waters and a growth in the planet's population.

UN experts warn: *“Ensuring decent life and welfare to nearly 10 billion people by 2050 without compromising the environmental limits of our planet will be a single most important challenge as well as obligation humanity has ever faced before”.*



How to prevent hazards at a construction site?

Construction works at a building site entail a number of hazards depending on the type and scope of works as well as the technologies used. An employer can and should cater for his workers' safety by ensuring compliance with OHS requirements as well as following good practices.

The best way to prevent accidents is taking diverse actions. Focusing on a single area, e.g. care for the technical condition of machinery, will not be sufficient. One must also care for improvement in the overall organisation and methodology of work as well as raising awareness of the workers doing particular types of work.

An employer should also take action focusing on proper performance of its basic obligations in the area of occupational health and safety. These include:

- Adequate preparation of work in terms of organisation of work and technical equipment;
- Ensuring and making workers familiar with the documentation relevant to the activities performed (an SCWPM (*IBWR*) is a particularly important document);
- Equipping workers with adequate work clothes, footwear and personal protection measures;
- Admission to work of only those holding valid medical certificates and valid OHS training.



SCWPM - Safe Construction Work Performance Manual

Safe Construction Work Performance Manual is another, in addition to a Health and Safety Protection Plan (*BIOZ*), document concerning safety at construction sites. An SCWPM is drafted in order to inform workers on the ways of prevention of hazards involved in construction works and ways of conduct in the event of such hazards actually occurring.

Prior to commencing construction works, a contractor is required to draft a Safe Construction Work Performance Manual (SCWPM) and make its workers familiar with it with respect to the works performed by them:

- Works whose nature, organisation or place of performance entails a particularly high risk of hazards to human health or life, in particular being buried or falling down from a height;
- Works whose performance exposes one to chemical substances or biological agents hazardous to human health or life;
- Works entailing a threat of ionising radiation;
- Works performed in proximity of a high-voltage grid or active transport routes;
- Works entailing a risk of drowning;
- Works carried out in wells, underground or in tunnels;
- Works performed by those driving vehicles powered by overhead power lines;
- Works carried out in caissons with compressed-air-created atmosphere;
- Works involving use of explosives;
- Assembly and disassembly of heavy prefabricated elements.



What are the implications of failure to appoint employees responsible for fire protection?

An employer is under an obligation to appoint employees responsible for provision of first aid and undertake fire-fighting and evacuation action. Failure to do so will result in breach of the law and may entail penalties imposed by the State Labour Inspectorate.

As a result of failure to appoint those responsible for fire-fighting and evacuation of staff a penalty can be imposed by a PIP inspector in the amount of **PLN 2,000**, and in the case of a recurrent breach – **PLN 5,000**. Rather than imposing an administrative penalty, an inspector can refer the case to a district court which can then impose a fine of between **PLN 1,000** and **30,000**.

Moreover, where an employer fails to comply with an inspector's order can be can be fined (in order to be compelled) under enforcement proceedings in administration with up to **PLN 10,000**, and if it is a legal entity or an organisational unit without legal personality - up to **PLN 50,000**. In the event of multiple fines, the aggregate amount must not exceed **PLN 50,000** and **PLN 200,000** respectively.

There is one exception to this rule, i.e. where an employer only employs minor or disabled employees, he can conduct fire-fighting and evacuation activities on his own.



What OHS obligations rest with an employee?

Employees' obligations with respect to occupational health and safety are set out in Art. 211 Labour Code. An employer can impose the following penalties under the Labour Code on an employee violating the basic OHS rules: warning, admonition, fine, and in the event a material breach – even dismissal through employee's fault.

Under Art. 211 Labour Code, an employee is required to:

- Be familiar with OHS rules and regulations, participate in OHS training and instruction and take prescribed examinations;
- Perform work in a manner consistent with OHS rules and regulations as well as obeying the superiors' instruction in that respect;
- Care for a proper condition of machines, tools and equipment as well as the order in the workplace;
- Use adequate collective protective measures and personal protective equipment, clothes and footwear as assigned, in accordance with their intended use;
- Submit to the introductory, periodical and follow-up as well as any other prescribed medical examinations, and follow medical recommendations;
- Immediately notify the superior of any accidents or hazards to human life and health noticed, and to warn all those present in the hazardous zone;
- Collaborate with the employer and superiors in fulfilling OHS obligations.



Who is liable for an accident caused by a student at school?

Under the law, it is the headmaster that is responsible for the safety of students on the school premises. What if a student is solely responsible for an accident? Determining who is to blame for the harm may be somewhat complicated.

Art. 10 (1)(1) of Education Law, the body managing the school or institution is responsible for ensuring the operations of a school or institution, including safe and hygienic learning and care conditions. But the details are set out in the regulation concerning school OHS.

Art. 415 Civil Code stipulates that a person who has caused harm to another through his fault is required to rectify it. Thus, a person who has caused harm to the person or property of another will be liable for it. It should be remembered here that **a child of less than thirteen years of age is not liable for his/her actions.**

The injured person can then seek reparation of the harm from the person who is legally liable for care over the minor perpetrator (Art. 427 Civil Code). The duty of care can derive either from stature or contract; which means that parent, minder or teacher can each be liable for failure to exercise the care. Guilt is attributable to such a person if he or she was in negligence of their duties.

If an accident occurs during a lesson, the teacher will have to demonstrate that he or she properly looked after the students. Children of 13 years of age and above are liable for harm caused by themselves on the general terms.



A ban on plastic bags to come into force in 2021

On 27 March of this year, the European Parliament approved a ban on sale of disposable item made of plastics, including plates, kitchen utensils, cups and cotton buds. The ban is to come into force in 2021.

Under the new regulations, the sales ban will cover in 2021 disposable items made, inter alia, from plastics, including cutlery, saucers, cups, drinking straws, cotton buds, balloon sticks, food containers and polystyrene foam cups.

Due to a slow pace of decomposition, plastics create deposits in seas, oceans and beaches in the EU and around the world. According to the information provided by the European Commission, **plastics make up over 80% of waste found in the sea.** Their remains can be found in the bodies of sea animals, such as: turtles, seal, whales and birds, as well as fishes and shellfish.

In January of this year, Newsweek reported disturbing findings of research carried out by scientists from Vienna University, who found plastic particles in fish, seafood, sea salt, beer and even in honey and bottled water. According to scientists, consuming food containing plastics can lead to digestive system disorders and even cause cancer.

By introducing the directive, the European Union sets out to halt the process of littering the environment with plastic products.



Travelling safely by car

The car is currently a very popular means of transport. It is used for both business and private purposes. We often spend several or, sometimes, even a dozen hours at the wheel. One ought to take special care in order to make the trip as safe as possible.

In order to prevent hazards while in travel, bear in mind several important issues:

- Your car should be in a **good technical condition**.
- Ensure that your **tyres** are adequate to the season of the year.
- Check the **lights** and make sure that your car is properly **equipped with**: a first aid kit, working extinguisher and warning triangle.
- When travelling always **choose main roads** and avoid secondary roads or unfamiliar routes.
- Plan your trip **during the day**.
- **Include places in your itinerary** where you can stop and rest.
- When leaving the car, always take your keys and vehicle documents with you.
- **Never leave** valuable items on display in the care as they can attract thieves.
- **Do not take hitch-hikers**.
- When travelling, **lock the car** from inside.
- The safest parking space is a **garage or a guarded car park**.
- When you notice anything suspicious stop next to a police care or visit the nearest police station.