

Occupational safety and health in Poland: legislation, supervision and promotion

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The Polish Constitution lays down that "citizens of the Polish People's Republic have the right to health protection and to aid in the event of sickness or incapacity for work", going on to declare that increasing effect is given to this right through the steady improvement of safety conditions and a widespread campaign to prevent and fight disease. In pursuance of this constitutional guarantee Poland has established an extensive body of laws and regulations aimed not only at clearly defining the citizen's rights in this field but also at creating a system of effective supervision over the observance of the principles and provisions governing occupational safety and health. In this article we shall examine the main provisions of the relevant legislation, following which we shall describe the mechanisms for supervising its enforcement. Finally, we shall look at some of the ways in which Poland seeks to promote the improvement of occupational safety and health through research and international co-operation.

I. Occupational safety and health legislation

In an article such as this we cannot hope to cover all the aspects of occupational safety and health regulated by the legislation; consequently, we shall limit ourselves to the following, which we consider to be of special importance: (1) the design and construction of establishments and machinery; (2) training; (3) health protection and medical care; (4) personal protective clothing and equipment; (5) occupational safety and health plans; (6) special benefits; and (7) the protection of women and young persons.

Design and construction of establishments and machinery

According to the Labour Code¹ (Part X, Chapter II), the underlying principles and plans for the construction of a new establishment or the

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transformation of existing premises must take account of occupational safety and health requirements. These relate to floor space, lighting, heating, ventilation, air conditioning, means of communication, emergency exits, proper use of construction components, sound-proofing and precautions against fire and other hazards to the workers' lives and health. Special types of constructions such as mining installations and power stations have to meet specific requirements laid down by the competent ministries (e.g. the Ministry of Mining and the Ministry of Power Engineering and Atomic Energy).

Machines and other technical equipment have to be assessed from the standpoint of occupational safety and health requirements, as set forth in dozens of orders relating to specific machines and devices, before they may be manufactured. They must be so designed and constructed as to ensure safe, healthy and suitable conditions of work, and more particularly protect the workers from injury, the effects of toxic substances, electric shocks, excessive noise, harmful jolts and the effects of vibration and radiation, as well as to reduce the arduousness of the conditions of work. Where they do not comply with these requirements they must be fitted with appropriate guards or made safe in other ways. Special rules are issued to cover particular jobs, technological processes, imported equipment and the transport and storage of toxic substances.

The assessment of plans and designs is performed by occupational safety and health experts designated by the Chief Labour Inspector of the Central Council of Trade Unions (CCTU) and health and hygiene experts employed in the Office of the Chief Health Inspector.

Training

The Labour Code (Part X, Chapter IV) specifies that a worker may not be admitted to employment for which he does not have sufficient knowledge of the provisions and principles governing occupational safety and health, or the necessary skills. An establishment must provide a worker with preliminary occupational safety and health training before he is admitted to employment and must arrange for him to receive periodic instruction in this field. The courses provide both theoretical and practical training and the trainees must pass a final examination. In addition, training programmes at vocational schools and courses have to take account of occupational safety and health problems. This can be done either as part of the vocational course or as a separate subject. In higher technical schools the subject is taught under the headings of "labour science" or "ergonomics and occupational safety and health".

Health protection and medical care

Under Chapter III of Part X of the Labour Code an establishment is obliged to take steps to prevent occupational diseases and other illnesses

connected with the environmental conditions at work. In particular, it must systematically investigate and measure health hazards, and establishments where work is done in unhealthy conditions must be equipped with the necessary apparatus for doing this.

Industrial medical services, which now cover more than 75 per cent of industrial workers, are organised to combat occupational diseases and other illnesses connected with environmental conditions at work, to provide medical aid and to co-operate with the management of the establishment, the workers' self-management bodies, the trade unions and the State Health Inspectorate on questions relating to workers' health. Industrial medical centres are set up in larger establishments or those where work is performed in particularly unhealthy or arduous conditions.

All applicants for employment and, on transfer, young workers (i.e. those aged 15 to 18), irrespective of the type of work on which they are employed, and other workers transferred to posts where the working conditions are more unhealthy or arduous than at those where they have been employed hitherto, must be given a free initial medical examination. In addition, every worker employed in unhealthy or arduous conditions and every young worker, whatever the type of job, must be given a periodic medical examination at dates specified by the appropriate health service institution. Every worker must be given a medical clearance test after an illness lasting more than 30 days.²

Under section 217 of the Labour Code, where a worker is found to have symptoms of an occupational disease his establishment is obliged to investigate the causes of the disease and the nature and extent of the danger it constitutes, in consultation with the authorities of the State Health Inspectorate, and immediately proceed to eliminate the causes of the disease and take any other necessary precautions. Where a medical practitioner confirms that it is necessary to transfer a worker to other work and this results in a lower rate of remuneration the worker is entitled to a compensatory allowance for the period of his transfer, subject to a maximum of three months, although the Minister of Labour, Wages and Social Affairs, in agreement with the CCTU, may prescribe the cases in which a worker is entitled to such allowance for a period of up to six months.

Where a worker has become unfit for his previous job on account of an employment accident or occupational disease his establishment is obliged, on production of a medical certificate, to transfer him to other appropriate work. Vocational rehabilitation, comprising vocational guidance, training and appropriate employment combined with medical treatment, is provided for such workers either individually in the undertaking or in special works or inter-works centres to enable them to perform economically and socially useful work in accordance with their capacities. Where a handicapped worker suffers a loss of pay on account of his undergoing vocational rehabilitation with the object of adapting himself to his

employment or receiving instruction in a specified job he is entitled to a compensatory allowance throughout the period of rehabilitation, subject to a maximum of 24 months.³

In pursuance of section 221 of the Labour Code, standards have been laid down respecting the maximum admissible concentrations of harmful substances in establishments. At the moment the list covers 213 harmful agents and in some cases the maximum admissible concentrations are lower than those prescribed in other countries. In the case of establishments—particularly some of the older ones—where these standards are exceeded, the appropriate health and labour inspection services fix the dates by which the conditions at work must be brought into line with the standards prescribed.

Personal protective clothing and equipment

Under section 227 of the Labour Code, an establishment is obliged to provide protective clothing, personal protective equipment and other protective appliances free of charge for workers employed on jobs exposing them to bodily injury, whether caused by machinery or otherwise, burns or poisoning and for workers employed in low temperatures or excessive damp, noise, etc. Establishments are also obliged to arrange for the washing, disinfection and drying of protective clothing and the removal of dust from it.

Working clothes and footwear are provided free of charge for workers employed on jobs causing abnormal wear to their own clothes as well as on jobs where the nature of the work or production process requires special clothing or footwear.

Occupational safety and health plans

The improvement of occupational safety and health is not only included as one of the items in national social and economic development plans, but every undertaking also has to indicate in its annual and long-term plans what specific tasks are envisaged in this field. The plans are drawn up by the establishments and by the organisational units and ministries controlling them in collaboration with the works councils, the industrial medical services and competent experts; they cover technical and organisational arrangements as well as estimates of the costs involved. The principal aims of these plans are as follows:

- to eliminate or reduce hazards causing employment accidents and occupational diseases (e.g. harmful substances, dust, noise, vibration and excessive heat or cold);
- to reduce the arduousness of work (e.g. by attenuating uncomfortable working positions and excessive physical effort); and

- to bring about a general improvement in occupational safety and health conditions through training activities, campaigns to promote safe working methods, and other preventive measures.

The position with regard to the implementation of planned tasks in the field of occupational safety and health is assessed by the workers' self-management conferences as well as by the organisational units having establishments under their control. The effectiveness of the arrangements carried out under these plans is expressed in terms of the number of workers who have benefited from the reduction or elimination of occupational hazards. In 1977, for example, as a result of the implementation of a total of 420,000 such planned tasks, the noise level was lowered for 100,000 workers, the effects of dust were reduced for over 66,000 workers through improved ventilation and the enclosing of production processes, the emission of harmful substances was reduced for about 100,000 workers and the lighting of work posts was improved for over 145,000 workers.

An over-all plan for the improvement of working conditions based on the plans drawn up by the ministries responsible for various industries is drafted by the Ministry of Labour, Wages and Social Affairs and submitted to the Planning Commission of the Council of Ministers and to the CCTU. With a view to aiding and guiding undertakings' activities in this field, plans are drawn up by the appropriate ministries to manufacture sufficient quantities of various types of equipment that are especially important for improving working conditions, such as ventilation equipment and devices for reducing noise and vibration.

Special benefits

Workers employed on particularly arduous jobs or in unhealthy conditions are granted special benefits such as shorter working hours without loss of pay and special breaks and additional paid leave in certain establishments. In addition, special food is provided free of charge if this is necessary for the prevention of disease to workers employed on jobs requiring a great expenditure of physical energy or performed in particularly low or high temperatures, in a damp environment, etc. (sections 130, 160 and 220 of the Labour Code).

Protection of women and young persons

The Labour Code devotes special sections to the protection of women and young persons. A list of types of work (92 in all) in which the employment of women is prohibited because they are particularly arduous or harmful to their health has been drawn up by order of the Council of Ministers in agreement with the CCTU. A woman who becomes pregnant while employed on work that is prohibited for pregnant women must be

transferred to lighter duties. Where this results in a reduction in her rate of remuneration she is entitled to a compensatory allowance. A pregnant woman may not be given an assignment outside her permanent place of work without her consent, nor may she be employed on overtime or night work.

The Labour Code defines "young person" as one who has reached the age of 15 years but is not over 18. A list of types of work which are prohibited for young persons has also been drawn up by order of the Council of Ministers in agreement with the CCTU, covering types of work that are harmful to young persons' health and physical and mental development, as well as those on which they may not be employed during their vocational preparation. Young persons without vocational skills may be employed only for the purposes of their vocational preparation (section 206). Only those young persons may be employed who present a medical certificate confirming that work of a particular kind is not a danger to their health (section 191).

II. Supervision

Managers of establishments are required to devote no less attention to labour protection matters than they do to production tasks. What this means in practice is that each manager of an establishment, head of a section, foreman and chargehand is obliged to organise the work in such a way as to ensure safe and healthy conditions of work. Managers must regularly assess the occupational safety and health position, systematically investigate the incidence of employment accidents and occupational diseases and take suitable preventive measures based on the results of such investigations. They are responsible for ensuring that work rooms and technical equipment are in a safe and healthy condition and that workers are supplied with whatever protective equipment is necessary.

Their performance in this field is assisted and supervised by an *occupational safety and health service*, which must be set up in production and service establishments and in the organisational units and ministries controlling them.⁴ Its duties are to initiate, organise and co-ordinate all measures designed to prevent danger to workers' lives and health, to improve occupational safety and health conditions in the establishments and to supervise the fulfilment of obligations in this field. All persons employed in an occupational safety and health service must have a higher education corresponding to the particular type of production or service concerned and at least three years' practical experience of their trade, or a secondary education of a similar type and at least five years' practical experience, and have passed an occupational safety and health examination set by a board of examiners.

The occupational safety and health service acts as an advisory body to the manager of the establishment on occupational safety and health matters

and it fulfils its functions without in any way diminishing the duties and responsibilities in this field of the manager or other persons in managerial posts. It is empowered to make recommendations to the heads of the various organisational units of the establishment for the elimination of any defects that have come to light, and to make similar suggestions to the manager. It may even recommend the immediate suspension of work if human life or health is directly endangered. It may also suggest to the manager that persons failing to observe the principles or provisions governing occupational safety and health should be held officially responsible for their actions. The manager is required to take appropriate steps to ensure that the recommendations made are acted upon.

Apart from this service Poland has a highly developed system for supervising observance of the occupational safety and health provisions made up of the following bodies:

- the labour inspection services of the trade unions;
- the social labour inspectorate;
- the State Health Inspectorate;
- the Board of Mines;
- the Office of Technical Supervision; and
- other state bodies, and persons occupying managerial posts in establishments and organisational units controlling them.

The most important place in the system of supervision of working conditions is held by the *labour inspectorate*, which is run by the trade unions⁵ and is endowed with the powers of a public body. It is organised on a branch basis and is directly responsible to the Chief Labour Inspector of the CCTU. Labour inspectors are appointed by the central committee of the appropriate trade union and their nomination is confirmed by the CCTU. As a rule they should have higher or secondary technical education, knowledge of the technical aspects of production processes and have passed an examination set by a board of examiners appointed by the CCTU, though other persons may be appointed in exceptional cases subject to the prior approval of the CCTU.

A labour inspector is authorised to visit any establishment at any hour of the day or night and to order the manager to remedy any defects that come to light or even to suspend operations in the event of an immediate danger to the lives or health of the workers. He is also empowered to investigate the circumstances and causes of employment accidents and to impose administrative penalties in cases of non-compliance with the mandatory provisions respecting occupational safety and health (fines of up to 1,500 zlotys). The manager of an establishment has the right of appeal to the central committee of the appropriate trade union against an order given by a labour inspector within 14 days of receiving it.

The Chief Labour Inspector of the CCTU is responsible for preparing draft legislation on the protection of labour and giving his opinions on

such legislation and on establishments' occupational safety and health plans and investment projects. In addition, he makes proposals regarding the State's activities in respect of planning, analysis and assessment in the field of labour protection.

The *social labour inspectorate*⁶ is made up of worker inspectors elected by trade union members. They supervise the observance in establishments of labour legislation and the clauses in collective agreements relating to occupational safety and health, hours of work, leave, protection of young persons, and women's work. There are three levels of social labour inspection: establishment social labour inspectors for the whole establishment, departmental social labour inspectors for the different departments, and group social labour inspectors for the basic trade union groups.⁷ Any worker of the establishment who is a member of the trade union and who does not hold a managerial position may be elected to the post of social labour inspector provided that, in the case of an establishment social inspector, he has practical knowledge of general production problems in the establishment and at least five years' experience in his trade, including at least one year in that establishment, and in the case of a departmental social labour inspector, practical knowledge of the production problems of the department and at least two years' experience in his trade. The activities of the social labour inspectorate are subject to guidance by the trade union council, as a rule at the establishment level. For example, although a social labour inspector is empowered to give written notice to the manager of an establishment requiring him to remedy any shortcomings within a specified time, such notice requires the approval of the trade union council.

Managers of establishments are required to take account of the social labour inspectors' recommendations and findings when drawing up plans for the improvement of working conditions, and non-compliance with a valid notice issued by these inspectors gives rise to penal administrative proceedings, although there is a right of appeal against such notices.

Polish legislation provides special employment security for persons performing the functions of social labour inspectors. Thus under section 39 of the Labour Code an establishment may not terminate the contract of employment of a social labour inspector.

Experience has shown that supervision of working conditions by the workers themselves is not only effective from the standpoint of ensuring a manager's compliance with his obligations, but it also influences the workers' attitude towards the observance of occupational safety and health provisions. As a result, a novel form of workers' supervision has been introduced consisting of a staff survey of working conditions carried out once a year by special establishment committees. The object of these surveys is to investigate the occupational safety and health position and ensure that the binding provisions on the subject are observed, to assess how the plan for the improvement of working conditions is being carried

out and whether funds earmarked for the purpose are being appropriately used, and to submit recommendations for the improvement of working conditions.

Within the framework of the State's supervisory activities in the field of working conditions, various control organs have been set up for particular aspects of labour protection. These include the *State Health Inspectorate*, which carries out supervisory and preventive activities in the field of occupational health, investigates the causes of occupational diseases, and decides which illnesses are to be recognised as occupational diseases; the *Board of Mines*, which supervises the occupational safety and health position in mining establishments; and the *Office of Technical Supervision* covering certain types of equipment (steam boilers, pressure tanks, acetylene generators, hoisting appliances, etc.).

An important role is also played in this field by the Ministry of Labour, Wages and Social Affairs. The Ministry is responsible, inter alia, for disseminating the most up-to-date solutions to problems of work organisation, and drawing up guidelines for improving working conditions and supervising occupational safety and health. Within the Ministry, the Department of Working Conditions is responsible for determining how to make the most appropriate use of financial resources earmarked for occupational safety and health, laying down general rules governing the issue of protective clothing, working clothes and personal protective equipment, and the granting of additional leave, shorter hours of work, special meals, etc., to workers employed on particularly arduous or unhealthy work. It is also responsible for co-ordinating action aimed at developing the activities of the occupational safety and health services.

III. Promotion of improved occupational safety and health

An important role in promoting improvements in the field of occupational safety and health is played by the Central Institute for Labour Protection, which is responsible to the Minister of Labour, Wages and Social Affairs. This Institute consists of 12 units carrying out research on various key aspects of working conditions and industrial safety and it also co-ordinates the activities of 60 or so other research institutes specialising in the problems of workers' protection. There are in addition four industrial medical institutes and a number of other specialised research centres for sectors such as construction and the railways.

A major programme of research on "The elimination of occupational hazards and the protection of man in the working environment" has been launched under the National Social and Economic Plan on the joint initiative of the Minister of Labour, Wages and Social Affairs and the Minister of Science, Higher Education and Technology. The activities being carried out under this programme are planned and co-ordinated by the Central Institute for Labour Protection in the following fields:

- investigation and evaluation of occupational hazards;
- methods and apparatus for measuring the chemical and physical parameters of the working environment;
- technical and organisational arrangements for eliminating or reducing the main hazards at work;
- design of protective clothing and equipment according to sound ergonomic principles;
- criteria governing the selection of workers and their preparation for particular working conditions; and
- investigation of the effects of working conditions on occupational safety and health and workers' behaviour.

Approximately 30 research centres in Poland are involved in the implementation of the programme, including units of the Polish Academy of Sciences, the universities and design offices. Although the programme has been in operation for little more than a year it has already produced significant results.

With the accelerated pace of technical progress the problems involved in protecting man in the working environment are becoming so complex that it is neither possible nor appropriate for any single country to try to tackle them on its own. International co-operation—both multilateral and bilateral—has a vital role to play in the search for technical and organisational solutions to these problems. The Polish Central Institute for Labour Protection has close links with the labour protection institutes in the Soviet Union, Czechoslovakia, the German Democratic Republic, Bulgaria, Hungary and Yugoslavia and it also co-operates with similar institutes in several countries of Western Europe and in other continents.

Poland has a long tradition of active co-operation with the ILO in implementing ILO programmes for the development of international standards in the field of working conditions, and Polish experts have participated in ILO field projects, including the first PIACT⁸ mission in Africa.

One of the most effective ways of improving the lot of the working man in all member States of the ILO is to organise international exchanges of experience with a view to giving wide dissemination to the latest methods of eliminating occupational health hazards. An important initiative in this area has been the holding of an international fair, known as SECURA, in the Polish city of Poznan. This is organised by the Polish Ministry of Labour, Wages and Social Affairs in co-operation with the CCTU and other interested organisations as well as with the ILO.

SECURA 78

The second of these fairs was convened within the general framework of PIACT from 16 to 21 April 1978 (the first took place in 1975) with "The protection of man in his working environment" as its central theme. The

events included an international exhibition on occupational safety and health, an international scientific symposium, an international exhibition of publications and posters and an international film festival. The importance of this occasion and the interest it has aroused can be gauged from the fact that SECURA 78 attracted participants from 26 countries as well as representatives of a number of international bodies such as the WHO and ISSA.

The international exhibition on occupational safety and health, which attracted 250 foreign and 76 Polish exhibitors, revealed the progress that has been achieved in eliminating health hazards and making work less arduous. The exhibits included a number of new types of personal protective equipment, controlling and measuring apparatus especially designed to protect workers against harmful chemical substances and excessive noise, safety appliances to prevent falls from heights, etc. One of the exhibition's most practical uses was the fact that it gave visitors an opportunity to discuss the possibilities of long-term commercial contracts and co-operation in such fields as the manufacture of protective gloves, ear protectors, ventilation equipment and so on.

The object of the international symposium was to afford the thousand or so participants an opportunity to exchange notes about current research on the general problems of protecting man in his working environment as well as on specific problems connected with the elimination of hazards occurring in chemical processes, in internal transport and in work performed at heights. It also adopted several recommendations concerning (a) the development of international co-operation to make fuller use of the results of research studies carried out in various countries into ways of improving working conditions and environment; (b) the introduction of a uniform system of certification of machinery, equipment and other production inputs with a view to ensuring safe working conditions; (c) the promotion of international co-operation in the design and manufacture of personal protective equipment and other protective devices; (d) the improvement of occupational safety and health training programmes; and (e) the preparation and publication of monographs on the latest industrial safety methods.

The exhibition of publications and posters (many of them foreign) demonstrated the immense progress that has been achieved in this field thanks to the contributions of eminent scientists, academics and technical experts. The film festival, while showing that much has been achieved, revealed that there was still considerable room for improvement. The content and form of films should be more closely linked to theory and practice in this field, underlining the need for closer co-operation between film producers and occupational safety and health experts.

Events such as SECURA provide tangible proof of the value of co-operation and show that action aimed at improving occupational safety and health should not be limited by geographical or political borders.

Summary

The Polish occupational safety and health legislation covers an enormous variety of topics ranging from the initial design of premises and machinery to the steps to be taken in the event of a worker falling victim to an employment accident or occupational disease. Particularly noteworthy is the emphasis placed on annual and long-term planning of occupational safety and health arrangements by establishments, organisational units and ministries.

In the field of supervision Poland has a highly developed system whereby prime responsibility for the enforcement of the legislation is placed firmly on the shoulders of the manager of an establishment, but which at the same time provides effective machinery for aiding and advising him in the form of an occupational safety and health service. The workers occupy an important place in this system through participation in the occupational safety and health service, the carrying out of annual surveys, the election of social labour inspectors and the assumption by the trade unions of responsibility for running the general labour inspectorate.

Constant efforts are being made to improve the occupational safety and health position, not only through a wide-ranging programme of research activities carried out inside Poland but also through international co-operation and exchanges of experience. We are convinced that action of this sort at the international level will enrich our knowledge and open up new possibilities for improving occupational safety and health for working people all over the world.

Notes

¹ Labour Code, dated 26 June 1974 (see ILO: *Legislative Series*, 1974—Pol. 1A).

² Order of the Minister of Health and Social Welfare respecting the conduct of medical examinations for workers, dated 10 December 1974 (*ibid.*, 1974—Pol. 5).

³ Section 20, Act respecting the cash social insurance benefits payable in the event of sickness and maternity, dated 17 December 1974, as amended by the Act of 23 October 1975 (*ibid.*, 1975—Pol. 2).

⁴ Decision No. 36 of the Council of Ministers respecting occupational safety and health services, dated 1 February 1974. (See also ILO: *Legislative Series*, 1968—Pol. 2B.)

⁵ Decree respecting the assumption by the trade unions of certain duties connected with the enforcement of the laws governing the protection of labour and occupational safety and health and with the administration of labour inspection, dated 10 November 1954, as amended (*ibid.*, 1968—Pol. 2A).

⁶ Act respecting the Social Inspectorate of Labour, dated 4 February 1950 (*ibid.*, 1950—Pol. 1).

⁷ The basic trade union group is the smallest trade union unit in any establishment or in a department of more than a certain size.

⁸ The International Programme for the Improvement of Working Conditions and Environment, launched by the ILO in 1976.