



E-Handbook on Cross-border Enforcement

OSH for Mobile Workers

POLAND

Republic of Poland

Committee of Senior Labour Inspectors (SLIC)

Last version adopted at the 83rd SLIC Plenary in Stockholm, 10 May 2023

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FOREWORD

The first version of the E-Handbook on Cross-border Enforcement was published in 2016 and updated in 2019. The last version was published in 2021 in the [Library of the SLIC public site](#) on the EU collaborative platform CIRCABC.

This last version had a format that enhances a better public disclosure of the organisation of the bodies and entities dealing with the inspection of occupational safety and health in EU Member States, as well as in Norway and Switzerland. The purpose of that E-Handbook was to provide labour inspectorates with informative tools to facilitate cooperation and mutual assistance with competent bodies from other countries.

The new working group on Mobile Workers on OSH matters, which replaced the previous working group dedicated to cross-border enforcement, was mandated to update the content of the E-Handbook for several reasons.

First, it was necessary to add new regulations such as the new Directive (EU) 2020/1057 laying down specific rules for posting of drivers in the road transport, a sector which moreover includes aspects related to the enforcement of working time under Directive 2006/22/EC, a matter that is considered a part of OSH legislation in many Member States.

Secondly, it was necessary to enlarge the content of that handbook following the new scope of the working group dedicated to mobile workers. A mobile worker is someone who works in more than one Member State or travels to other Member States as part of his job (posted workers, cross-border workers, seasonal workers, temporary workers, migrant workers...).

Therefore, the handbook should include information on the competence of SLIC Members on legislation about Third Country National workers. This includes Directive 2014/36 on seasonal workers in aspects related to the health and safety conditions such as workers' accommodation and Directive 2009/52 on sanctions. These directives have been explicitly mentioned in the current EU strategic framework on health and safety at work 2021-2027 in a changing world of work.

Moreover, it was necessary to complement some aspects related to the practice of concerted and joint inspections on OSH matters regarding the legal possibility to carry them out in each Member State.

Lastly, the SLIC working group considered that the easiest way to update the existing E-Handbook was to maintain its structure, with the updated information provided by Member States, and to complete it with new items gathered in a specific annex.

Finally, the handbook needed a new title reflecting its purpose and also support to gain more visibility among labour inspectors on the field.

We hope that this document will be a useful tool for national labour inspectorates and beyond, for all organisations involved in OSH matters for mobile workers.

This new updated version was announced to SLIC members at the 82nd Plenary session of 12 October 2022, held under the Czech Presidency.

DIRECTORY

Austria	<p>ARBEITSINSPEKTION</p> <p>Favoritenstraße 7 A-1040 Wien</p> <p>https://www.arbeitsinspektion.gv.at/inspektorat</p>
Belgium	<p>SURVEILLANCE ON WELL-BEING AT WORK and SURVEILLANCE ON SOCIAL LAW</p> <p>Blerotstraat/rue Blerot 1 B-1070 Brussels</p> <p>http://www.employment.belgium.be In Dutch: www.werk.belgie.be In French: www.emploi.belgique.be</p>
Bulgaria	<p>GLI EA (General Labour Inspectorate Executive Agency)</p> <p>http://www.gli.government.bg/en</p>
Croatia	<p>STATE INSPECTORATE</p> <p>Šubićeva 29, 10 000 Zagreb</p> <p>https://dirh.gov.hr/</p>
Cyprus	<p>DEPARTMENT OF LABOUR INSPECTION (DLI) http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR (DL) https://www.mlsi.gov.cy/mlsi/dl/dl.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR RELATIONS (DLR) https://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/home_en/home_en?openform</p>
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Denmark	<p>ARBEJDSTILSYNET</p> <p>Landskronagade 33 2100 København Ø</p> <p>Email: at@at.dk http://engelsk.arbejdstilsynet.dk/en/</p>
Estonia	<p>TÖÖINSPEKTSIOON</p> <p>Mäealuse 2/3, 12618 Tallinn Estonia</p>

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France	<p>DIRECTION GÉNÉRALE DU TRAVAIL</p> <p>39-43 quai André Citroën 75902 Paris Cedex 15</p> <p>Email: dgt.dir@travail.gouv.fr https://travail-emploi.gouv.fr/ministere/organisation/article/dgt-direction-generale-du-travail</p>
Germany	<p>LASI Länderausschuss für Arbeitsschutz und Sicherheitstechnik (Gremium der Länder) LASI Vorsitz (bis 2024): Ministerium für Wirtschaft, Arbeit und Tourismus Baden-Württemberg;</p> <p>Theodor-Heuss-Straße 4, 70174 Stuttgart</p> <p>https://lasi-info.com</p>
Greece	<p>LABOUR INSPECTORATE</p> <p>8, Dragatsaniou str, 10110 Athens,</p> <p>Email: dpseaye@hli.gov.gr https://www.hli.gov.gr/</p>
Hungary	<p>MINISTRY OF ECONOMIC DEVELOPMENT, STATE SECRETARY OF EMPLOYMENT POLICY</p> <p>Kálmán Imre utca 2. Budapest, 1054-Hungary</p> <p>Email: munkavedelmi-foo@gfm.gov.hu http://www.mvff.munka.hu</p>
Ireland	<p>HEALTH AND SAFETY AUTHORITY</p> <p>The Metropolitan Building James Joyce Street Dublin 1</p> <p>Email: contactus@hsa.ie https://www.hsa.ie/eng</p>
Italy	<p>ISPETTORATO NAZIONALE DEL LAVORO</p> <p>Piazza della Repubblica, 59 00185 Roma</p> <p>https://www.ispettorato.gov.it</p>

Latvia	<p>VALSTS DARBA INSPEKCIJA (VDI)</p> <p>38 k-1, Kr.Valdemara Street Riga LV –1010</p> <p>Email: vdi@vdi.gov.lv https://www.vdi.gov.lv</p>
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Luxembourg	<p>INSPECTION DU TRAVAIL ET DES MINES</p> <p>3 Rue des Primeurs, 2361 Strassen, Luxembourg</p> <p>www.itm.public.lu</p>
Malta	<p>OCCUPATIONAL HEALTH AND SAFETY AUTHORITY</p> <p>17, Triq Edgar Ferro, Pietà PTA 1533 Malta</p> <p>Email: ohsa@ohsa.mt http://www.ohsa.mt/</p>
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<p>Slovakia</p>	<p>NÁRODNÝ INŠPEKTORÁT PRÁCE Masarykova 10 040 01, Košice Email: nip@ip.gov.sk https://www.ip.gov.sk/home/</p>
<p>Slovenia</p>	<p>LABOUR INSPECTORATE OF THE REPUBLIC OF SLOVENIA (LIRS) Štukljeva cesta 44 SI-1000 Ljubljana http://www.id.gov.si/en/</p>
<p>Spain</p>	<p>ORGANISMO ESTATAL INSPECCION DE TRABAJO Y SEGURIDAD SOCIAL (OEITSS) Paseo de la Castellana 63 28046 Madrid https://www.mites.gob.es/itss/web/index.html</p>
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<p>Switzerland</p>	<p>STATE SECRETARIAT FOR ECONOMIC AFFAIRS (SECO) WORKING CONDITIONS – FEDERAL LABOUR INSPECTION Holzikofenweg 36 CH-3003 Bern Email: abea@seco.admin.ch www.seco.admin.ch/seco/de/home/Arbeit/Arbeitsbedingungen/Arbeitnehmerschutz.html</p>
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NATIONAL REPORT: POLAND

LABOUR INSPECTORATE	PAŃSTWOWA INSPEKCJA PRACY (PIP) THE STATE LABOUR INSPECTION (SLI)
OTHER COMPETENT AUTHORITIES	<ul style="list-style-type: none">• State Sanitary Inspection• State Mining Authority• General Inspectorate of Building Control• Technical Inspection Office

1. THE LABOUR INSPECTORATE

1.1. ORGANISATION OF THE LABOUR INSPECTORATE

The State Labour Inspection is an authority established to supervise and inspect the observance of labour law. In particular, regulations and rules of occupational safety and health, as well as provisions on legality of employment and other paid work in the scope set out in the Act of 13 April 2007 on the State Labour Inspection (Journal of Laws of 2022, item 1614).

The State Labour Inspection is subordinate to the Parliament (its Lower Chamber) of the Republic of Poland. The Labour Protection Council, appointed by the Speaker of Parliament, exercises supervision over the State Labour Inspection in the scope specified in the Act. The Chief Labour Inspector, who is assisted by the deputies, manages the State Labour Inspection. The Chief Labour Inspector is appointed and dismissed by the Speaker of Parliament after having asked the Labour Protection Council and the relevant parliamentary committee for an opinion.

The State Labour Inspection's organisational structure comprises the Chief Labour Inspectorate, 16 District Labour Inspectorates with 42 sub-district offices operating within their areas, and the NLI's Training Centre named after prof. Jan Rosner in Wrocław.

Employees performing inspection activities are labour inspectors engaged in the following positions:

- 1) Principal labour inspector – head of sub-district;
- 2) Principal labour inspector;
- 3) Senior labour inspector – chief specialist;
- 4) Senior labour inspector - specialist;
- 5) Senior labour inspector;
- 6) Labour inspector;
- 7) Junior labour inspector.

As of 31.12.2022, 1539 persons worked in the State Labour Inspection as inspectors.

1.2. NATIONAL LEGISLATION AND ILO CONVENTIONS RATIFIED ON LABOUR INSPECTION

The legal framework of the State Labour Inspection’s activity is set out in the Act of 13 April 2007 on the State Labour Inspection (Journal of Laws of 2022, item 1614).

Figure N° 1: International Conventions on Labour Inspection ratified

CONVENTION	RATIFIED	NOT RATIFIED
ILO Convention 81 on Labour Inspection in Industry and Commerce	X	
ILO Convention 129 on Labour Inspection in Agriculture	X	
Maritime Labour Convention 2006	X	
ILO Convention 187 on Promotional Framework for Occupational Safety and Health		X

1.3. COMPETENCES OF LABOUR INSPECTORS

1.3.1. Occupational Safety and Health (OSH)

The State Labour Inspection is an authority established to supervise and inspect the observance of labour law, in particular regulations and rules of occupational safety and health. While carrying out its tasks in the area of work safety and health, the State Labour Inspection cooperates with other public authorities responsible for supervising working conditions (listed in the table below).

Figure N° 2: Map of competence on Occupational Safety and Health

MATTERS	COMPETENCE OF THE LABOUR INSPECTORATE	OTHER PUBLIC BODIES WITH COMPETENCE
OSH, in general terms	Yes	
Occupational Safety, in general terms	Yes	Ministry of Family and Social Policy
Occupational Health, in general terms	Yes	State Sanitary Inspection
Work-related accidents	Yes	Public Prosecutor Social Insurance Institution Agricultural Social

		Insurance Fund State Mining Authority General Inspectorate of Building Control Office of Technical Inspection State Commission on Aircraft Accident Investigation State Marine Accident Investigation Commission National Railway Accident Investigation Commission
Trade of Machines and Equipment	Yes	Office of Competition and Consumer Protection Trade Inspectorate
Radiation	Yes	National Atomic Energy Agency State Sanitary Inspection
Explosives	Yes	State Mining Authority
Mines		State Mining Authority
Vessels	Yes	Maritime Offices Inland Navigation Offices State Sanitary Inspection Technical Inspection Office
Retail sector	Yes	State Sanitary Inspection
HoReCa	Yes	State Sanitary Inspection
Agriculture	Yes, with the exclusion of individual farmers	Agricultural Social Insurance Fund State Sanitary Inspection Technical Inspection Office State Fire Brigades
Construction industry	Yes	General Inspectorate of Building Control County Inspectorates of Building Control Technical Inspection Office Transport Technical Supervision State Fire Brigades
Aviation	Yes	Technical Inspection Office Civil Aviation Authority
Railway	Yes	Rail Transport Authority Transport Technical Supervision
Road Transport	Yes	Transport Technical

		Supervision Road Transport Inspectorate
REACH	Yes	State Sanitary Inspection State Sanitary Inspection of the Ministry of Home Affairs and Administration Office for Registration of Medicinal Products, Medical Devices and Biocidal Products
Self-employed	No	Technical Inspection Office General Inspectorate of Building Control State Fire Brigades
Police	Yes, in relation to civil employees	Ministry of Home Affairs and Administration General Inspectorate of Building Control Technical Inspection Office State Sanitary Inspection of the Ministry of Home Affairs and Administration
Civil Servants	Yes	State Sanitary Inspection Technical Inspection Office General Inspectorate of Building Control State Fire Brigades
Military personnel and premises	Yes, in relation to civil employees	Ministry of National Defence Technical Inspection Office State Sanitary Inspection General Inspectorate of Building Control
Penitentiaries	Yes, in relation to civil employees and prisoners staying in penitentiaries and performing work	State Fire Brigades
Customs	Yes, in relation to civil employees	State Sanitary Inspection

1.3.2. OSH or Labour Law Matters

Figure N° 3: Map of competences in matters which could be considered within OSH or Labour Law

MATTERS	Yes	No
Working hours	X	
Bullying and harassment	X	
Third Party Violence	X	

1.3.3. Labour Law

Figure N° 4: Map of competences on Labour Law matters

MATTERS	Yes	No	COMMENTS
Salaries	X		Including other benefits resulting from employment relationships.
Equal Treatment	X		
Labour rights	X		
Foreign workers	X		
Others			Supervision and inspection of compliance with labour law provisions, in particular: <ul style="list-style-type: none"> - regulations on employment relationships, annual leaves, employee rights related to parenthood, employment of adolescent and disabled persons, - inspecting legality of employment and other paid work, - inspecting the issues pertaining to the posting of workers to the territory of the Republic of Poland by employers with a registered seat in another Member State and posting of workers from that territory - as provided for in the national legislation. - inspecting the provisions of the Act of 19 December 2008 on bridging pensions (in the scope provided for in the Act) - inspecting the payment of contributions to the Labour Fund.

1.3.4. Social Security

Figure N° 5 Map of competences on Social Security Matters

MATTERS	Yes	No	COMMENTS
Affiliation of workers (REGISTER)	X		The State Labour Inspection checks whether the employer has complied with the statutory duty to register the employee with the Social Insurance Institution.
Contributions to Social Security System		X	
Social Security benefits		X	
Private pension funds		X	
Others			Inspecting the payment of contributions to the Labour Fund, inspecting registration of persons with social security.

In Poland, an authority responsible for social security matters is the Social Insurance Institution (ZUS). With regard to social security, the State Labour Inspection is authorised to inspect observance by employers and clients (i.e. ordering parties) of the duty to register workers with the social security system and to inspect whether the duty was fulfilled within the deadline. If irregularities in this respect are identified, a labour inspector is obliged to notify this fact to the Social Insurance Institution.

Moreover, a labour inspector inspects the payment of contributions to the Labour Fund (fulfilment of that duty, contribution payment within the deadline) and checks if the employer has provided the correct data to the Social Insurance Institution based on which the amount of due contributions to the Labour Fund is calculated. Upon identifying violations in this respect, the inspector is authorised to send a request to the criminal court to penalise the person guilty of that offence. A labour inspector notifies ZUS that the inspected entity has failed to meet duties related to payment of the Labour Fund contributions.

1.4. INSPECTORS' POWERS

Figure N° 6: Map of Inspectors' powers

POWERS	Yes	No	COMMENTS
Visit workplaces	X		
Request for documents	X		
Summon employers to the Inspection Office	X		
Recommendations / Assistance	X		
Injunction / Improvement notice	X		
Initiate an administrative punishment procedure	X		Pursuant to: provisions of the act on working time of drivers, provisions of the act on conformity assessment and market surveillance systems
Initiate a judicial punishment procedures	X		
Imposing fines	X		
Stoppage / Prohibition Notice	X		
Notify offences to the Public Prosecutor or the Judge	X		
Others	bringing lawsuits and, upon consent of the concerned person, participating in proceedings in a labour court in cases for establishment of an employment relationship, issuing decisions on the payment of remuneration.		

1.5. MECHANISMS OF COOPERATION AND EXCHANGE OF INFORMATION WITH OTHER NATIONAL PUBLIC BODIES

Figure N° 7: Cooperation mechanisms with other national public bodies

BODIES	Yes	No	COMMENTS
Tax Authorities	X		
Social Security bodies	X		Agreement of 5 November 2010 concluded between the Chief Labour Inspector and the President of the Social Insurance Institution (According to the guidelines of ZUS – excluding issues of posting of workers)
Police	X		Agreement of 11 December 2000 on the principles of cooperation between inspectors of the State Labour Inspection and the Police
Public Prosecutor	X		Agreement on the cooperation between inspectors of the State Labour Inspection and the Public Prosecutor concluded on 6 November 2017
Others	The list of the national agreements is available on the State Labour Inspection's website: https://www.pip.gov.pl/pl/o-urzedzie/porozumienia		

2. POSTING OF WORKERS

2.1. NATIONAL LEGISLATION

The legal acts that transpose Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services are the following:

- 1) Act of 13 April 2007 on the State Labour Inspection (consolidated text: Journal of Laws of 2022, item 1614, as amended).
- 2) Act of 24 August 2001 on the amendment of the Labour Code and of some other acts (Journal of Laws no. 128, item 1405) – with the date of coming into force set for 1 May 2004.
- 3) Act of 14 November 2003 on the amendment of the Labour Code and of some other acts (Journal of Laws no. 213, item 2081) – with the date of coming into force set for 1 May 2004.
- 4) Act of 10 June 2016 on the posting of workers in the framework of the provision of services (Journal of Laws of 2021, item 1140, as amended).
- 5) Act of 20 April 2004 on the promotion of employment and labour market institutions (Journal of Laws of 2023, item 735).
- 6) Act of 12 December 2013 on Foreigners (Journal of Laws of 2023, item 519).

Figure N° 8: EU Directives on posting of workers implemented

DIRECTIVE	Yes	No	DATE
Directive 96/71	X		01.05.2004
Directive 2014/67	X		18.06.2016
Directive 2018/957	X		04.09.2020
Directive 2019/1152	X		26.04.2023

2.2. ADMINISTRATIVE REQUIREMENTS AND CONTROL MEASURES

An employer posting workers to the territory of Poland is obliged to provide the State Labour Inspection (Chief Labour Inspectorate) with the "Statement of the employer posting a worker to the territory of the Republic of Poland", that is a notification about the fact of posting a worker to perform work in Poland. Information on the duty to submit a statement and form templates are available at the address:

https://www.biznes.gov.pl/pl/firma/cudzoziemcy/chce-delegowac-pracownikow-do-polski/proc_1328-oswiadczenie-o-delegowaniu-pracownika

An employer posting a worker to the territory of Poland is obliged to designate a person in the territory of Poland, authorised to liaise with the State Labour Inspection, to send and receive documents or notifications. On the State Labour Inspection's demand, the person liaising with the State Labour Inspection immediately provides data of the person authorised by the employer posting a worker to the territory of the Republic of Poland to represent the employer during inspection carried out by the State Labour Inspection. On the State Labour Inspection's justified request connected with an ongoing inspection, that person should be able to be reached in the territory of Poland.

Stipulations of the Act on the posting of workers in the framework of the provision of services are applied accordingly in case work is performed in the territory of Poland by a worker posted to that work or, by an employer having the seat in a country not being an EU/EEA Member State or Switzerland. With account taken of the differences resulting from the legislation on legality of employment of that group of workers in the territory of Poland. In the case of posting of a worker to the territory of Poland by an employer from outside the EU, the posting employer is obliged to appoint a person acting on the employer's behalf and staying in the territory of Poland.

The State Labour Inspection inspects the correctness of posting of workers to the territory of the Republic of Poland, if doubts arise whether a specific worker can be regarded a posted worker. The inspection focuses mainly on determining whether the employer posting the worker to Poland actually conducts significant activity in the territory of another member state, other than managerial or administrative activity of internal nature, and whether the worker posted to the territory of Poland is performing the work only temporarily. The labour inspectorate also inspects the terms of employment of workers posted to the territory of Poland by examining whether the posting employer ensures that their terms of employment are not less favourable than the ones resulting from the Labour Code provisions and other provisions on worker rights, in areas such as: standards and length of working time, daily and weekly rest periods, length of annual leave, minimum remuneration for work in accordance with the Polish provisions, remuneration and bonuses for overtime work, work safety and health, protection of employees during their pregnancy and maternity leave, employment of juveniles and performance of work by a child, equal treatment and non-discrimination in employment, and performance of work in line with provisions on the employment of temporary workers. In the framework of such inspections, a labour inspector is authorised to issue legal measures in accordance with the Act on the State Labour Inspection (written and verbal decisions, recommendations in improvement notices, instructions) which are aimed at eliminating the identified irregularities.

2.2.1. Deadline to submit the declaration

At the latest on the day when the provision of services in the territory of Poland begins.

2.2.2. Content of the declaration of posting

Figure N° 9: Content of the posting declaration

COMPANY DATA		
	YES	NO
Identity of Service Provider	X	
Representative of the company in your country	X	
A person designated for acting as a representative into collective bargaining within the host Member State		X
Activity	X	

Authorization in the sending MS	X	
If it is a Temporary Work Agency or not	X	
Identity Tax Number	X	

WORKERS DATA		
	YES	NO
Number of workers	X	
Name of workers	X	
Nationality	X	
Age	X	
Role		X

POSTING DATA		
	YES	NO
Envisaged beginning	X	
End date of the posting	X	
Anticipated Duration	X	
Address(es) of the workplace	X	
Nature of the services justifying the posting	X	
Contractor		X

LABOUR CONDITIONS		
	YES	NO
Working hours		X
Salaries		X
Collective accommodation		X
Use of dangerous agents		X
Prevention services		X

A statement on posting of a worker to the territory of Poland does not include information on the labour conditions listed in the table above.

2.3. SOCIAL SECURITY PROCEDURES

The Social Insurance Institution (Zakład Ubezpieczeń Społecznych) issues A1 forms and information on the relevant social security legislation. For agricultural workers, A1 forms are issued by the Agricultural Social Insurance Fund (Kasa Rolniczego Ubezpieczenia Społecznego).

Labour inspectors do not have permanent access (ex officio) to A1 forms collected in the Social Insurance Institution's repository. They can only look through A1 forms during inspections carried out in enterprises, and also pursuant to art. 12.2 of the Act of 10 June 2016 on the posting of workers in the framework of the provision of services. In order to obtain information on issues covered by questions from the

cooperating liaison offices of the EU Member States, the State Labour Inspection has the right to submit a request with ZUS to provide indispensable information to be included in a reply to questions of a liaison office from another country, including questions on payment of social security contributions, issuance of A1 forms, etc.

Figure N° 10: Position of the Labour Inspectorate with regard to A1 forms

	Yes	No
Access to A1 forms delivered by national authorities		X
The Labour Inspectorate is consulted about the approval of A1 forms by competent institutions		X
Access to A1 forms delivered by other Member States		X

* The Social Insurance Institution has provided a possibility to check the authenticity of PDA1 forms on their website.

2.4. WORK RELATED ACCIDENTS / OCCUPATIONAL DISEASES OF POSTED WORKERS

As stipulated in art. 234 § 2 of the Labour Code, an employer is obliged to immediately notify a competent district labour inspector and a prosecutor of a fatal, serious and collective accident at work and of any other accident which caused the above-mentioned effects and was connected with work, if it may be recognised as a work accident.

The above-mentioned duty is also applicable to foreign employers who post employees to Poland in the framework of the provision of services.

District Labour Inspectorates (that is territorial units of the State Labour Inspection) are informed about work accidents in which the victims were/are both employees posted to Poland, and employees posted by Polish employers to work in other countries of the EU/EEA.

2.5. NATIONAL AUTHORITIES INVOLVED IN POSTING OF WORKERS

Figure N° 11: Authorities involved in posting of workers

	Yes	No
Labour authorities	X	
OSH authorities	X	
Customs authorities		X
Tax authorities	X	
Social Security Institutions	X	
Others	Border Guard	

The Border Guard is the authority dealing, among others, with inspecting the legality of stay and employment of foreigners. With regard to the issue of posting, the Border Guard focuses mainly on cases of posting third-country citizens to Poland.

3. COOPERATION AND MUTUAL ASSISTANCE

3.1. LEGISLATION ON MUTUAL ASSISTANCE

Figure N° 12: Legislation and International Conventions signed and ratified

	RATIFIED / IMPLEMENTED	APPLICABLE TO L.I.	COMMENTS
Legislation on Mutual Assistance implementing Dir. 96/71 and Dir. 2014/67	Yes	Yes	Act of 13 April 2007 on the State Labour Inspection (consolidated text: Journal of Laws of 2022, item 1614, as amended) – art. 10, subsection 1, point 14, which implements art. 4 of Directive 96/71/EC
European Convention in Criminal Matters	Yes	No	
Convention 094 Council of Europe	No		
Others			

3.2. BILATERAL AND MULTILATERAL AGREEMENTS ON LABOUR INSPECTION

Figure N° 13: Bilateral Agreements signed

COUNTRIES	DATE
Czech Republic	06.06.2023
Slovakia	09.09.2019
Denmark	06.12.2017
Norway	28.09.2017
Estonia	11.04.2017
The Netherlands	18.12.2013
Lithuania	25.05.2005 Updating - 13.11.2012
Spain	17.11.2010
Bulgaria	25.08.2010

Luxembourg	29.06.2010
Portugal	01.09.2008
Belgium	11.10.2007

3.3. REQUEST AND RECEPTION OF INFORMATION FROM OTHER INSPECTORATES

Figure N° 14: Exchange of information from other Labour Inspectorates

MATTERS	YES	YES But subjected to previous Protection Data Authorities supervision or approval	NO
Does current regulation in your country allow providing information directly to other Labour Inspectorates?	X		
Does current regulation in your country allow receiving information directly from other Labour Inspectorates?	X		

3.4. TOOLS FOR EXCHANGING INFORMATION

3.4.1. IMI (Internal Market Information System) for Posting of workers

Figure N° 15: Liaison office of the Labour Inspectorate in IMI

	Yes	No
Use of IMI by the Labour Inspectorate	X	
In affirmative case, specify the liaison offices	Only the Chief Labour Inspectorate e-mail: kancelaria@gip.pip.gov.pl	

3.4.2. KSS (Knowledge Sharing System)

The State Labour Inspection is involved in information exchange via the KSS system (Knowledge Sharing System) on a daily basis. This tool enables us to effectively exchange information, inquiries (also on statistical data), good practices and warnings about poor national experiences.

Contact email: kss.coordinator@gip.pip.gov.pl

3.5. FINES AND EXECUTION OF FINES PROPOSED OR IMPOSED BY THE LABOUR INSPECTORATE

Figure N° 16: Nature of fines

	Yes	No
Penal or criminal fines	X	
Administrative fines	X	
Others		

Figure N° 17: Execution time of fines

	Yes	No
After the first judgement of the courts		X
After the final judgement of the courts	X	
After the first administrative decision		X
After the binding administrative decision	X	
Others		

Figure N° 18: Nature of Courts where fines can be appealed

	Yes	No
Penal/Criminal courts	X	
Labour/Civil courts		X
Courts for administrative affairs	X	
Others		

Figure N° 19: Authorities with competence to collect fines

	Yes	No
Labour Inspection Authorities		X
Labour/ Government Authorities		X
Tax/Customs Authorities	X	
Courts		X
Others		

Figure N° 20: Legal framework to collect fines imposed by authorities from other Member States

	YES	IF YES, is it applicable to Labour Inspectorate proceedings?	NO Authorities supervision or approval	COMMENTS
Framework Decision 2005/214	X	No		
Directive 2014/67 on administrative fines	X	Yes		Act of 10 June 2016 on the posting of workers in the framework of the provision of services (Journal of Laws of 2021, item 1140, as amended).
International or Bilateral Conventions			X	
Other National Rules				

ANNEX E-HANDBOOK (UPDATING 2023)

SLIC MEMBER: Ms Katarzyna ŁAŻEWSKA-HRYCKO / alternate: Mr Michał WYSZKOWSKI

MEMBER STATE: POLAND

1. About the Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012

1.1. Transposition to National Legislation

Transposition	National Law or Regulations	Date
Yes*	Act of 26.01.2022 on the amendment to the Act on road transport, to the Act on the working time of drivers, and to some other acts (Journal of Laws of 2022, item 209).	02.02.2022

* Mobility Package I has been partially transposed to the national legal system.

1.2. Competences of the SLIC Member on road transport

LEGISLATION	COMPETENCE	COMMENTS
Regulations 1071/09, 1072/09 and 1073/09 on road transport activity	No	The competent authority is the Road Transport Inspectorate.
Regulation 561/06 on driving time	Yes	The competent authority is the Road Transport Inspectorate.
Directive 2006/22 on social legislation in road transport	Yes	The competent authority is the Road Transport Inspectorate.
Article 1 of Directive 2020/1057 on posting of workers in road transport	No	Article 1 of Directive 2020/1057 has not been transposed. The legislative process regarding the relevant act is ongoing.

2. About Article 20.2.c) of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers regarding health and safety conditions of workers' accommodation

2.1. Transposition to National Legislation

Transposition		National Law, Regulations or Collective Agreements	Date
Yes		Regulation of the Minister of Family and Social Policy of 18.07.2022 on work permits and declarations on entrusting work to a foreigner (Journal of Laws of 2022, item 1558).	29.07.2022
		Act of 12.12.2013 on foreigners (Journal of Laws of 2021, item 2354).	01.05.2014

2.2. Competences of the SLIC Member on health and safety conditions on workers' accommodation

COMPETENCE	COMMENTS
No	There is no authority which is competent to inspect health and safety conditions of workers' accommodation.

3. About Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

3.1. Transposition in National Legislation

Transposition		National Law or Regulations	Date
Yes		Act of 12.12.2013 on foreigners (Journal of Laws of 2021, item 2354).	01.05.2014
		Act of 15.06.2012 on the consequences of entrusting work to foreigners staying in the territory of the Republic of Poland contrary to legal provisions (Journal of Laws of 2021, item 1745).	21.07.2012

3.2. Competences of the SLIC Member on sanctions and measures provided in this Directive

COMPETENCE	COMMENTS
Yes	The Border Guard is authorised to impose penalties resulting from the directive implementation. The State

	Labour Inspection is a public prosecutor in offence cases under Art. 11 of the Act of 15.06.2012 on the consequences of entrusting work to foreigners staying in the territory of the Republic of Poland contrary to legal provisions.
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4. JOINT AND CONCERTED INSPECTIONS ON OSH MATTERS

4.1. Is it allowed to organise concerted and joint inspections on OSH matters with other inspectorates?

Yes, by legal rules	Art. 22 (3) of the Act of 13 April 2007 on the State Labour Inspection - as regards observance of labour law, in particular regulations and rules of occupational safety and health, provisions on the legality of employment and other paid work.
Yes, by bilateral agreements	Agreements with Bulgaria, Denmark, Estonia, Norway and Slovakia. The State Labour Inspection also concluded agreements on cooperation with labour inspections from other countries of the European Economic Area, which in principle stipulate the exchange of information.
No	

5. NATIONAL INFORMATION AND INITIATIVES FOR MOBILE WORKERS

5.1. Please describe the initiatives you have implemented (e.g.: website, flyers, documents...)

In 2021 the State Labour Inspection took part in the communication campaign of the European Labour Authority on seasonal work in the EU, under the title "Rights for All Seasons".

6. COOPERATION WITH ELA

6.1. Do you regularly collaborate with the national liaison officer?

YES

6.2. Could you provide any useful information regarding your participation in working groups, campaigns, training, etc. ?

The State Labour Inspection of Poland is involved in the work of the ELA Working Group on Inspections, in the activities of the Platform for Tackling Undeclared Work, and it offers expert support to the Polish representative from the Ministry of Family and Social Policy in the Working Group on Information. NLI's experts take part in many events and initiatives of ELA, such as seminars, webinars, or training. The NLI also supports campaigns organised by ELA and activities in the framework of concerted and joint inspections.