

Basic OHS obligations toward employees delegated to Poland

1. Medical checks

3. Regulated occupations

2. OHS Trainings

4. Statement to National Labour Inspectorate

The following information is of general and demonstrative nature with the state for January 2020.

1. Medical checks

There is no regulations in Poland to let assume whether foreign medical examinations, at least these from EU member states, can be accepted, whether they should be done in Poland, following Polish detailed requirements.

One should expect some contractors would require to be submitted Polish OHS training and medical certificates. National Labour Inspectorate will also require it.

Basic types of occupational medical checks:

- Preliminary checks: before admittance to work, validity indicated on the certificate
- Periodic checks: according to validity determined on the certificate
- Check-ups: after a sick leave longer than 30 days

Medical examinations are made on the basis of a referral issued by the employer, specifying hazards at the workplace.

Medical examinations can be performed only by authorised occupational physicians.

Occupational physician decides about the scope of examinations and a date of validity of the certificate.



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2. OHS Trainings

There is no regulations in Poland to let assume whether foreign OHS trainings, at least these from EU member states, can be accepted, whether they should be done in Poland, following Polish detailed requirements.

One should expect some contractors would require to be submitted Polish OHS training and medical certificates. National Labour Inspectorate will also require it. Obligatory OHS trainings in Poland as below.

Preliminary training: before admittance to work. Consists of two parts:

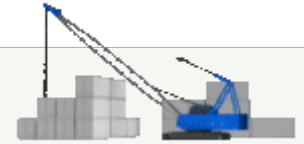
- **General instructions:** provided by OHS service, minimum 3 h
- **Workstation instructions:** provided by an employer or appointed supervisor, min 8 hours (2 h for administrative positions). Workstation part should be repeated when an employee changes his / her position.

Periodic training: frequency, duration and scope depends on the group of positions as follows:

Group of employees	First periodic training after preliminary training	Next training every
employers and supervisors	6 mos.	5 y
labourers	12 mos.	3 y
labourers, at positions with specific hazards	12 mos.	1 y
independent engineering positions	12 mos.	5 y
Administrative staff	12 mos.	6 y
OHS service personnel	12 mos.	5 y



Periodic training can be done as e-learning, apart from trainings for labourers, that must be done as a direct training.



3. Regulated occupations

Abilities of persons who execute professions being regulated in Poland must be recognized in dedicated administrative procedure.

An application should be submitted to the institution authorized to recognize qualifications. For different types of qualifications, the procedure is the same, only authorized institution is different.

In case of cross-boundary services the procedure should started with submitting a relevant statement, on the basis of which the authorised institution will decide if the recognition procedure is required.

Below are given most common cases of regulated professions required from operators in the industry and construction.

- Operators of **lifting equipment**, except for operators of: fully manually operated equipment, personal elevators, material elevators with outside controls, small material lifts, lifting equipment for disabled users
- Maintenance technicians of **lifting equipment**
- Operators of **forklifts**

Institution authorised to recognise qualifications: Urząd Dozoru Technicznego UDT

<https://www.udt.gov.pl/kwalifikacje-osob/uznawanie-kwalifikacji> (*Polish only*)

Scaffolders and operators of earthmovers and other construction and road machinery:

excavators; backhoe loaders; ditch chain excavators; dozers; graders; road scrapers; bucket loaders; bucket dredgers; inland suction dredgers; pile drivers; vibro hammers; moling equipment; mineral-asphalt mixture production plants; mineral-asphalt or concrete mixture production or paving plants; repavers and removers; pavement milling machinery; pavement cutters; internal combustion pavement cutters; soil stabilization equipment; road rollers; chainsaws for tree felling; multipurpose equipment; concrete pumps and feeders.

Institution authorised to recognise qualifications: Instytut Mechanizacji Budownictwa i Górnictwa Skalnego (IMBiGS)

<http://cksom.imbigs.pl/index.php?page=uznawanie-kwalifikacji> (*Polish only*)

3. Regulated occupations

So called **power certificates** for operation, maintenance, assembly, repairs, inspections and measurements of so called power equipment, that is;

Devices, installations and networks producing, processing, transmitting and consuming electricity, gas fuels or heat and some other technical equipment.

Institution authorised to recognise qualifications: The Ministry of Energy, Department of Electricity and Heat

https://www.biznes.gov.pl/pl/firma/uprawnienia-zawodowe/chce-zalatwic-sprawy-zwiazane-z-uprawnieniami-zawodowymi/proc_142-swiadectwo-kwalifikacji-uprawnijace-do-eksploatacji-urzadzen-instalacji-i-sieci (*Polish only*)

In practice, this type of qualifications, alternatively to the procedure of recognition, may be certified by passing an exam, as in case of Polish citizens.

List of regulated professions and regulated activities in the performance of which the service provider has a direct impact on public health or safety, for which proceedings for the recognition of qualifications can be initiated is contained in the Decree of Prime Minister as of 27 February 201.

<http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20170000468>



4. Statement to National Labour Inspectorate

Employers posting employees on Polish territory are obliged to:

- *at the latest on the day of commencement of service on the territory of Poland, submit the appropriate statement to the National Labour Inspectorate*
- *appoint a person authorized to mediate in contacts with PIP*
- *keep selected employee documents on the territory of Poland during the period of posting, and make them available to the National Labour Inspectorate within 2 years from the end of posting:*
 - *a copy of the employment contract or other equivalent document certifying the employment conditions;*
 - *documentation on working time or a copy thereof;*
 - *documents specifying the amount of remuneration along with the amount of deductions made and proof of payment of remuneration or a copy thereof.*

Obligations arise from the act being the implementation of EU Directive 2014/67/UE. More information can be found on:

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

You can also find there an English version of the statement template.

Changes of some of the data included in the statement require to be updated within 7 days.

