B2B
Centrum Szkoleniowo-Doradcze
Occupational Safety and Health Training

TRAINING MATERIALS ON OCCUPATIONAL SAFETY AND HEALTH FOR ADMINISTRATIVE/OFFICE EMPLOYEES AND OTHERS

(in accordance with § 14. 2 pt. 5. of the Regulation of the Minister of Economy and Labor of July 27, 2004 **on training in the field of occupational safety and health** (Journal of Laws [Dz. U.] of August 18, 2004, No. 2004.180.1860))

Warsaw, 2021

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TRAINING FRAMEWORK

No.	Training topic	Number of hours *
1.	Selected legal regulations in the field of labor law with regard to: a) the rights and obligations of employees and employers in the field of occupational safety and health, and responsibility for violations of health and safety regulations and rules, b) labor protection of women and juveniles, c) accidents at work and occupational diseases together with benefits related thereto, d) preventive employee health care	2
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TOTAL		**Minimum 8**

* in lesson hours lasting 45 minutes.

COMMON SOURCES OF LAW IN THE FIELD OF OCCUPATIONAL SAFETY AND HEALTH

Work is subject to special legal protection, consisting of guarantees that serve to safeguard human health and life in the work process and to protect the health of workers from hazards that may occur in the work process. They are regulated by occupational safety and health regulations, which form the core of labor protection law.

The labor protection law thus understood traditionally includes, in addition to health and safety provisions, provisions on the special protection of women and juveniles and on the supervision of compliance with labor laws at workplaces, and, more broadly, provisions on working time and employee leave, which are also primarily aimed at protecting the life and health of an employee.

The Constitution of the Republic of Poland in the chapter entitled "Freedoms, rights, and duties of a human being and citizen" in Article 66 states that "*Everyone shall have the right to safe and hygienic conditions of work. The methods of implementing this right and the obligations of employers shall be specified by statute."*

The Labor Code is a kind of a "labor constitution," defining the rights and obligations of employers and employees, in a basically comprehensive and exhaustive manner. It is the primary source of labor law.

Intra-company regulations are also sources of labor law. They can more favorably shape the rights of employees in the workplace and will then take precedence over generally applicable labor laws.

The provisions of Section Ten of the Labor Code — called Occupational Safety and Health are legal norms that are peremptory, which means that they are strictly binding legal norms, setting a single prescribed pattern of conduct, from which there is no exception.

SOURCES OF EUROPEAN UNION LAW

Since Poland's accession to the EU, European law has also been an element of the sources of common law in the country. Member states have transferred some of their sovereign powers to the European Union in the treaties. EU regulations have significantly affected our Labor Code and other acts. European law includes normative acts of EU bodies issued on the basis of authorizations under the Treaties.

The primary sources of Union law include:

1. Regulation,
2. Directive,
3. Decision,
4. Recommendation,
5. Opinion.

Regulations, directives, and decisions are binding, while recommendations and opinions are non-binding. In practice, the most essential source of European law is a **regulation**. Regulations are of general application and apply to all member states, and do not require national incorporation measures as well as promulgation in accordance with the norms of internal legal order. The regulation is an instrument for the unification of law throughout the European Union.

Another category of European laws are **directives** that serve to harmonize the laws of member states. They ensure the achievement of the adopted objectives of the Union while preserving the distinctiveness of national legal orders. Directives should be introduced (implemented) into national law in order to harmonize it and ensure the due rights of employees. It is about both the process of humanizing work and ensuring occupational safety and health. EU directives are minimal standards for employee protection; member states can maintain them or introduce higher levels of protection. Referring to the sources of law in the field of occupational safety and health, it should be stated that not only the sources of Polish law, but also European laws have an impact on the shape of the law in the field of occupational safety and health.

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EMPLOYER'S BASIC DUTIES IN THE FIELD OF OCCUPATIONAL SAFETY AND HEALTH

Responsibility for the state of occupational safety and health at the workplace is borne by the employer, as is clear from **Article 207 § 1 of the Labor Code**.

The employer's responsibilities are not affected by:

- occupational safety and health responsibilities of employees
- entrusting the performance of occupational safety and health services to specialists outside the workplace.

An employer cannot "transfer" responsibility for the state of occupational safety and health to another employee, such as an employee of the health and safety service or a human resources manager.

The employer is obliged to protect the health and life of employees by ensuring safe and hygienic working conditions with appropriate use of the achievements of science and technology. **Article 207 § 2 of the Labor Code**

In particular, the employer shall be obliged to:

- organize work in a way that ensures safe and hygienic working conditions,
- ensure compliance at the workplace with the provisions and rules of occupational safety and health, issue orders to remove deficiencies in this regard, and control the implementation of such orders,
- respond to the needs for ensuring occupational safety and health and adjust the measures taken to improve the existing level of protection of health and life of the employees, taking into account the changing conditions of work performance,
- ensure the development of a coherent policy to prevent accidents at work and occupational diseases that takes into account technical issues, work organization, working conditions, social relations, and the impact of work environment agents,
- take into account the protection of the health of juveniles, pregnant or breastfeeding female employees and employees with disabilities in the preventive measures taken,
- ensure the implementation of orders, speeches, decisions, and decrees issued by the authorities supervising working conditions,
- ensure the implementation of recommendations issued by a social labor inspector.

The employer is obliged to ensure safe and hygienic working conditions also for individuals performing work on a basis other than employment relationship, as well as for individuals conducting, on their own account, a business activity in the workplace or in a place designated by the employer.

The costs of the employer's occupational safety and health measures must not in any way be charged to employees.

In terms of providing emergency first aid, the employer's primary responsibilities also include:

- providing necessary means for performing emergency first aid, fire fighting, and evacuation of employees,
- designating employees to provide first aid,
- carrying out activities related to firefighting and evacuation of employees

Whereas in case of an imminent threat to health or life, the employer is obliged to stop work and order employees to move away to a place of safety.

Enabling employees to take action to avoid danger — even without consulting their supervisor. Employees who have taken action on their own may not suffer any adverse consequences of those actions.

Persons performing work on a basis other than the employment relationship; Article 304 of the Labor Code:

- The employer is also obliged to ensure safe and hygienic working conditions for individuals performing work on a basis other than employment relationship, as well as for self-employed workers.

The employer assesses the occupational risks of the work performed, in particular, in case of the selection of equipment for workstations and workplaces, the use of chemical, biological, carcinogenic, or mutagenic substances and preparations, and changes in the organization of work. During the occupational risk assessment, all work environment agents occurring in the work performed and the ways of performing the work are taken into account.

DUTIES OF PERSONS IN CHARGE OF EMPLOYEES IN THE FIELD OF OCCUPATIONAL SAFETY AND HEALTH

Persons in charge of employees are obliged to:

- organize workplaces in accordance with the regulations and rules of occupational safety and health,
- ensure the efficiency of personal protective equipment and its use as intended,
- organize, prepare, and conduct work, taking into account the protection of employees from accidents at work, occupational diseases and other diseases related to the conditions of the work environment,
- take care of the safe and hygienic condition of the work premises and technical equipment, as well as the efficiency of collective protection measures and their use for their intended purpose,
- enforce compliance by employees with health and safety regulations and rules.

EMPLOYEE'S RIGHTS IN THE FIELD OF OCCUPATIONAL SAFETY AND HEALTH

The employee holds the right to:

- refrain from performing work in the event that the working conditions do not comply with the provisions of occupational safety and health and pose a direct threat to the health and life of the employee, or if the work performed threatens such a danger to others, , notifying the supervisor immediately. If refraining from work does not remove the danger, the employee has the right to move away from the place of danger, also notifying the supervisor immediately,
- retain the right to remuneration for the time of refraining from work or moving away from the place of danger,
- after notifying the supervisor, refrain from performing work that requires particular psychophysical abilities in case his or her psychophysical condition does not ensure safe performance of work and poses a danger to others.

The above rights do not apply to an employee whose labor duty is to save human life or property.

The employee may not suffer any adverse consequences for refraining from work or moving away from the place of danger.

All employees should, in their own well-informed interests, take initiatives and actively participate in activities aimed at improving occupational safety and health conditions.

EMPLOYEE'S DUTIES IN THE FIELD OF OCCUPATIONAL SAFETY AND HEALTH

Compliance with the regulations and rules of occupational health and safety shall be the primary duty of an employee. In particular, an employee shall be obliged to:

- know the regulations and rules of occupational safety and health, participate in training and instruction in this area, and submit to the required knowledge examinations,
- perform work in a manner consistent with occupational safety and health regulations and comply with instructions and guidelines issued in this regard by the supervisors,
- ensure the proper condition of machines, devices, tools, and equipment, as well as order and cleanliness in the workplace,
- make use of the collective protective equipment, as well as the assigned personal protective equipment and work clothing and footwear, in accordance with their intended use,
- undergo initial, periodic, follow-up, and other prescribed medical examinations and comply with medical indications,
- immediately notify the supervisor of a noticed accident at work or a threat to human life or health, and warn colleagues, as well as other persons present in the area of danger, of the imminent threat,
- cooperate with the employer and supervisors in fulfilling duties regarding occupational safety and health.

ORDINAL RESPONSIBILITY OF EMPLOYEES

The Labor Code allows the employer to apply disciplinary sanctions against employees for:

- failure to comply with the established organization and order in the work process,
- failure comply with the regulations of occupational safety and health,
- Failure to comply with the fire protection regulations,
- failure to comply with the accepted method of confirming arrival and attendance at work and excusing absences from work,
- the employer may apply a penalty in the form of a warning or a reprimand.

For the employee's failure to comply with occupational safety and health regulations or fire protection regulations, leaving the workplace without justification, appearing for work while intoxicated, or consuming alcohol during work — the employer may also apply a fine. The employer may not impose a fine on the employee after more than 2 weeks of becoming aware of the employee's violation of his or her duties and after more than 3 months of becoming aware that the violation was committed.

The fine for breach of order can be applied by the employer only after hearing the employee.

The employee who has filed an objection may, within 14 days from the date receiving notice of rejection of such objection, apply to the labor court for the annulment of the fine applied to him or her. The notice of fine remains in the employee's personnel file for one year.

The fine for one breach, as well as for each day of unjustified absence, may not exceed one day's remuneration of the employee, and in total the fines may not exceed a tenth of the remuneration due to the employee for payment, after deductions of sums enforced under writs of execution and cash advances granted to the employee.

The proceeds of fines are used to improve health and safety conditions.

MATERIAL RESPONSIBILITY OF EMPLOYEES

The employee who, as a result of non-performance or improper performance of his or her employment duties through his or her own fault, causes damage to the employer, shall be held materially liable according to the following rules:

- the employee is liable for the damage up to the limit of the actual loss suffered by the employer and only for the normal consequences of the act or omission from which the damage resulted,
- the employee is not liable to the extent that the employer or another person contributed to the injury or its increase,
- the employee does not bear the risk associated with the employer's activities, and in particular is not liable for the damage resulting from acting within the limits of acceptable risk,
- for damage caused by several employees, each of them is liable according to the degree of contribution and the degree of fault. If it is not possible to determine the degree of fault and contribution of individual employees to the damage, they are liable in equal shares.
- the compensation shall be determined in the amount of the damage caused, but shall not exceed the amount of three months' remuneration to which the employee was entitled on the date of the damage — in the case of unintentional fault of the employee. If the damage was caused by the intentional act of an employee, he or she is obliged to compensate for the full amount of the damage.

The employee entrusted with the following, with the obligation to return or to settle accounts:

- money, securities, or valuables,
- tools and instruments or similar items,
- personal protective equipment and work clothing and footwear,

shall be liable in full for the damage caused to such property.

The employee may be released from liability if he or she proves that the damage was caused by reasons beyond his or her control, in particular, by the employer's failure to provide conditions for securing the entrusted property.

Statute of limitations on claims

Claims from the employment relationship are time-barred three years from the date the claim became due. However, the employer's claims for compensation for damage caused by the employee's non-performance or improper performance of his or her duties shall be barred by the statute of limitations at the end of one year from the date on which the employer became aware of the damage caused by the employee, but no later than three years after the damage was caused. If the employee caused the damage intentionally, the provisions of the Civil Code shall apply to the statute of limitations for the claim.

LABOR PROTECTION OF JUVENILES

The employment of juvenile employees has been subjected to a special legal regime due to the psychophysical characteristics of this group of employees. The employer is obliged to provide juvenile employees with the care and assistance necessary for their adaptation to the proper performance of work.

A juvenile as defined by the Code is a person who has reached the **age of 15**and has not reached the age of 18 . It is forbidden to employ a person under the age of 15.

A juvenile may be employed under an employment contract to perform light work. Light work must not cause danger to the life, health, and psychophysical development of the juvenile, and must not impede the juvenile's ability to fulfill his or her educational obligations.

The list of light work shall be determined by the employer after approval by the medical practitioner performing occupational medicine services and after approval by the competent labor inspector. Such list may not include work that is forbidden to juveniles as defined by the Council of Ministers regulations.

The employer shall determine the size and distribution of working hours of a juvenile engaged in light work, taking into account the weekly number of hours of study, resulting from the curriculum, as well as the juvenile's school schedule.

LABOR PROTECTION OF PREGNANT WOMEN AND BREASTFEEDING WOMEN AND EMPLOYEES' RIGHTS RELATED TO PARENTHOOD

The law provides special protection for the permanence of the employment relationship in connection with maternity and child rearing. The employer may not terminate or dissolve an employment contract during the employee's pregnancy, as well as during maternity leave, unless there are reasons justifying termination without notice due to the employee's fault and unless the company trade union organization representing the employee has agreed to the termination. The same protection is enjoyed by an employee-father raising a child during the period of taking paternity
leave. This prohibition does not apply in case the employee is hired for a probationary period of up to 1 month. An employment contract concluded for a fixed term or for the performance of work or for a probationary period exceeding one month, which would be terminated after the end of the third month of pregnancy, shall be extended until the date of delivery (not applicable to fixed-term employment contracts concluded for the purpose of replacing an employee).

A pregnant woman may not be employed to work overtime or at night, or posted outside her permanent workplace without her consent, or employed on an intermittent basis.

An employee caring for a child up to the age of 4 years may not be employed without his or her consent to work overtime at night and in a system of intermittent working hours, as well as to be posted outside the permanent workplace.

The employer's duty is to:

- transfer a pregnant or breastfeeding woman employed in work that is particularly arduous or harmful to women's health — regardless of the degree of exposure to harmful or dangerous agents — to another job, or to release her for the time necessary from the obligation to provide work if such transfer is not possible.

In the event that a change in working conditions in the previously held position, a reduction in working hours, or transfer of an employee to another job results in a reduction in remuneration, the employee is entitled to a compensatory allowance.

The employer is obliged to grant a pregnant employee leave from work for examinations recommended by a medical practitioner and carried out in connection with pregnancy if these examinations should be carried out during working time. For the period of absence from work, the female employee retains the right to remuneration.

LABOR PROTECTION OF PREGNANT WOMEN AND BREASTFEEDING WOMEN

Protecting women's work is primarily about taking into account their mental and physical characteristics, especially the biology of the female body as a potential mother. The realization of the above is secured by regulations that are limited to specifying the standards of energetic expenditure and the weight of the load being moved manually and other work involving physical effort. A provision that, until recently, presented a list of works forbidden to women is no longer valid, and so is a list of "works particularly arduous or harmful to women's health." Any restrictions in this regard are included in the regulation that applies to all employees. The postulate of non-discrimination has been fulfilled.

In turn, pregnant women who are breastfeeding a child are subject to special protection. The list of arduous, hazardous, or harmful works for the health of pregnant and breastfeeding women is set out in the appendix to the Regulation of the Council of Ministers of April 3, 2017 (Journal of Laws [Dz. U] of 2017, item 796), and includes the movement of loads exceeding certain standards or resulting in higher than permissible energy expenditure and work: —- in cold, hot, or fluctuating microclimates, in noise and vibration, exposure to electromagnetic fields of frequencies from 0 Hz to 300 GHz and ionizing radiation, in elevated or reduced pressure, in contact with harmful biological or chemical agents, threatening severe physical or psychological injury, underground, below ground level and at height.

Works at positions with screen monitors: for a total time exceeding 8 hours per day, with the time spent at the screen monitor not to exceed 50 minutes at a time, followed by at least a 10-minute break included in the working time.

Below are enlisted some of the works associated with excessive physical exertion and weight transportation:
For pregnant women

- any works where the highest amounts of physical workload, measured by net energy expenditure for performing the work, exceed 2900 kJ per work shift, and for casual work – 7.5 kJ/min. / 1 kJ = 0.24 kcal /
- manual lifting and carrying of objects of more than 3 kg.
- forced position work;
- work in a standing position for a total of more than 3 hours during a work shift, with the time spent standing not to exceed 15 minutes at a time, followed by a 15-minute break.

For breastfeeding women

- all works where the highest amounts of physical workload, measured by net energy expenditure for performing the work, exceed 4200 kJ per work shift, and for casual work 12.5 kJ/min.
- manual carrying of objects of more than:
- - 6 kg: in permanent work;
- - 10 kg: in casual work;

The types of works at which, pursuant to the list (Journal of Laws [Dz. U] of 2017, item 796**), it is forbidden to employ a pregnant and breastfeeding women, occurring at a particular workplace, should be listed in the company's work regulations.**

RULES FOR GRANTING MATERNITY, PARENTAL, AND PATERNITY LEAVE

The female employee is entitled to **maternity leave** at the rate of:

- 20 weeks — in case of giving birth to one child in one delivery;
- 31 weeks — in case of giving birth to two children in one delivery;
- 33 weeks — in case of giving birth to three children in one delivery;
- 35 weeks — in case of giving birth to four children in one delivery;
- 37 weeks — in case of giving birth to five or more children in one delivery;

Before the expected date of childbirth, a pregnant employee may take up to 6 weeks of maternity leave. After childbirth, maternity leave unused before the delivery is granted until the above amount is exhausted.

An employee, having taken at least 14 weeks of maternity leave after childbirth, has the right to forgo the remainder of this leave and return to work if:

1. the remainder of the maternity leave will be used by the employee-father raising the child;
2. for a period corresponding to the period that remains until the end of maternity leave, the personal care of the child will be provided by the insured father of the child, who, in order to provide such care, has interrupted his gainful activity.

An employee-father raising a child is entitled, in case of resignation by the insured mother of the child from receiving maternity benefit after her using the benefit for at least 14 weeks after childbirth, to the portion of maternity leave falling after the date of resignation by the insured mother of the child from receiving maternity benefit.

After using up maternity leave or maternity benefits for the period corresponding to the period of maternity leave, the employee is entitled **to parental leave** in the scope of up to:

- 32 weeks — in case of giving birth to one child in one delivery;
- 34 weeks — in case of giving birth to more children in one delivery.

Parental leave of the scope provided above is granted jointly to both parents of the child and can be used by both of them at the same time. In this case, the total scope of parental leave may not exceed the amount indicated above.

Parental leave shall be granted either in its entirety or in parts no later than the end of the calendar year in which the child reaches the age of six, and shall be granted immediately after using up maternity leave or maternity benefits, in not more than 4 parts falling immediately one after the other in multiples of one week.

Parental leave is granted at the written request of the employee, submitted not less than 21 days before the start of the leave. The employer is obliged to grant the employee's request. The employee may resign from using parental leave at any time and, with the employer's consent, return to work, and may combine the use of parental leave with working part time for the employer granting the leave, but no more than half of full-time hours. In such a case, parental leave shall be granted for the remainder of the working hours. The work shall be taken up at the written request of the employee, submitted not less than 21 days before the commencement of work. The employer is obliged to grant the employee's request, unless it is impossible due to the organization of work, or the type of work performed by the employee. The employer shall inform the employee in writing of the reason for the refusal.

If the employee combines the use of parental leave with work for the employer granting the leave, the scope of parental leave shall be extended in proportion to the amount of work performed by the employee, not exceeding 64 weeks in case of giving birth to one child and 68 weeks in case of giving birth to more children in one delivery.

The employee-father raising the child is entitled to **paternity leave** in the scope of up to two weeks, but no longer than that:

1. until the child turns 24 months of age or
2. until the expiration of 24 months from the date on which the decision declaring the adoption of the child becomes binding and no longer than until the child turns 7 years of age, and in case of a child for whom a decision has been made to postpone compulsory education, no longer than until the child turns 10 years of age.

Paternity leave may be taken either in its entirety or in no more than two parts, neither of which may last less than a week. Paternity leave shall be granted at the written request of an employee-father raising the child, submitted not less than 7 days before the start of the leave; the employer shall grant the employee's request.

Parental leave

An employee who has been employed for at least six months is entitled to parental leave to take personal care of a child. The scope of that leave is up to 36 months for a period no longer than until the child turns 5 years of age. Each parent or guardian is entitled to an exclusive right to one month of parental leave within the scope of leave indicated above. This right cannot be transferred to the other parent or guardian. The leave is granted at the request of the employee and can be used in a maximum of five parts.

The employee who is breastfeeding one child is entitled to 2 half-hour breaks counted as working time. The employee who is breastfeeding more than one child is entitled to 2 breaks of 45 minutes each. Feeding breaks can be combined at the request of the employee (in case working time does not exceed 6 hours a day — one break applies; in case working time does not exceed 4 hours a day — feeding breaks do not apply).

The employee raising at least one child in the age of up to 14 years, shall be entitled to 2 days off work per year, while maintaining the right to remuneration.

Regulations on:

- prohibiting the employment of a person raising a child under 4 years of age for overtime, nighttime, or posting outside the place of permanent residence,
- 2 days of leave at request per year,

- granting parental leave to care for a child,

apply to both parents or guardians; however, if both are employed, only one of them can enjoy the above rights.

AUTHORITIES OVERSEEING WORKING CONDITIONS

Trade unions

Trade unions exercise control over compliance with labor laws and overwatch, on terms and conditions specified in the supervision, the compliance with specified occupational safety and health regulations and rules.

Social Labor Inspectorate

The Social Labor Inspectorate is a social service, performed by employees, of which purpose is to ensure safe and hygienic working conditions by the employer and to protect the rights of employees as defined by labor laws. At the workplace, the Social Labor Inspectorate operates through the company social labor inspector and departmental social labor inspectors. The Social Labor Inspectorate represents the interests of all employees at workplaces and is led by company trade union organizations. The employer is obliged to provide social labor inspectors with adequate conditions for carrying out their tasks.

External oversight bodies:

National Labor Inspectorate

The National Labor Inspectorate / PIP / is the body established to supervise and control the observance of labor law, in particular, the rules and principles of occupational safety and health. If violations of labor laws are observed, PIP inspectors are authorized to issue orders to remove the observed deficiencies within the time limit specified in the order.

For violation of labor law standards — the inspector can impose a fine of up to PLN 1,000. The amount of the fine, in which the public prosecutor is the competent authority of the National Labor Inspectorate, equals PLN 2,000. A fine of PLN 5,000 may be imposed in cases where the offender has been punished at least twice for an offense against employee rights and has committed another such offense

State Sanitary Inspectorate

Supervision and control of compliance with the rules and regulations of occupational hygiene and work environment conditions is carried out by the State Sanitary Inspectorate.

It is established to supervise, but not limited to, the following: occupational hygiene in workplaces and protection of human health from the effects of harmful or arduous agents, and in particular to prevent the emergence of occupational diseases.

If a violation of hygiene and health requirements is observed, the State Sanitary Inspector orders (by administrative decision) the removal of the observed deficiencies within a specified period of time.

State Fire Service

The State Fire Service is a professional, uniformed formation with specialized equipment of which task is to fight fires, natural disasters, and other local hazards.

The basic tasks of the State Fire Service include: recognizing fire hazards and other local threats, organizing and carrying out rescue operations during fires, natural disasters or liquidation of local threats, supervision of compliance with fire regulations, and imposing fines in case of observing violation of these regulations

OCCUPATIONAL SAFETY AND HEALTH TRAINING

The employer shall prohibit the employee from performing work for which he or she does not hold the required qualifications or necessary skills. The employer shall be obliged to ensure that the employee is trained in occupational safety and health before he or she is allowed to work and to conduct periodic training in this area. Training takes place during working hours and at the employer's expense.

Initial training

a) General instruction — is given to all newly hired employees, as well as students undergoing student internships and vocational school students undergoing practical vocational training at workplaces — before being allowed to perform work. It should ensure that trainees are familiar with the basic occupational safety and health regulations specified in the Labor Code, collective bargaining agreements or work regulations, the regulations and rules of occupational safety and health in force at the workplace, as well as providing emergency first aid.
Conduct of instruction should be confirmed by the employee's signature in the initial training card,

b) Position instruction — is carried out before allowing the employee to work in a worker's position and other positions with the risk of exposure to harmful to health, arduous or hazardous agents is high, as well as the employee transferred to such a position, a student undergoing practical vocational training and a student undergoing student internship.

The employee working at several positions shall receive instruction at each of the position. Position instruction shall not last less than 8 hours, and in case of administrative and office employees exposed to arduous agents — 2 hours.

Periodic training

The purpose of periodic training is to update and consolidate knowledge and skills in the field of occupational safety and health, as well as to familiarize trainees with new technical and organizational solutions in this area.

Periodic training should be given to all employees within 12 months of starting work, for employers and other managers of employees — within 6 months.

Training should be conducted in the form of a course, seminar or self-directed learning at least once every 5 years, and for administrative and office employees at least once every 6 years.

Periodic training of employees in worker's positions is carried out in the form of instruction at least once every 3 years, and in positions where particularly dangerous work is performed — at least once a year.

Periodic training is concluded with an exam verifying that the trainee has acquired the knowledge covered by the training program and the ability to perform or organize work in accordance with the regulations and rules of occupational safety and health. The exam is conducted by the committee appointed by the training provider.
The training provider confirms the completion of periodic training by issuing a certificate.

PREVENTIVE HEALTH CARE

Providing preventive health care for employees is the employer's responsibility and includes, but is not limited to, the need to refer employees for medical examinations:

- initial
- periodic,

- **follow-up**(in case of absence from work due to illness for more than 30 days). Initial medical examinations **are subject to**:
- persons admitted to work,
- juvenile employees transferred to other positions,

- employees transferred to positions at which the occurrence of agents harmful to health or arduous conditions is high.

Initial medical examinations **are not subject to:**

- persons rehired by the same employer for the same position or for a position with the same working conditions within 30 days after the termination or expiration of the previous employment relationship with that employer,
- persons admitted to work for **another employer for a given position within 30 days** after the termination or expiration of the previous employment relationship, if they present the employer with a valid medical certificate stating that there are no contraindications to work **in the working conditions described in the medical examination referral, and the employer states that these conditions correspond to the conditions prevailing in the given position,** with the exception of persons admitted to perform particularly hazardous work.

The above applies in case of hiring a person who simultaneously remain in an employment relationship with another employer.

The employer may not allow the employee to perform work without a valid medical certificate stating that there are no contraindications to work in a specific position under the working conditions described in the medical examination referral.

Initial, periodic, and follow-up medical examinations are carried out on the basis of a referral issued by the employer.

The employer shall bear the costs of preventive health care for employees necessary due to working conditions. Periodic and follow-up medical examinations shall be carried out, if possible, during working hours. The employee retains the right to remuneration for the time of non-work in connection with the examinations. The same situation applies in case the employee is referred for an initial examination related to a change of position.
The Labor Code also stipulates that preventive examinations shall be carried out at the employer's expense after termination of employment. However, this applies only to employees who performed work for the employer under conditions of exposure to carcinogenic substances and agents or dust causing fibrosis. Such examinations are conducted at the request of the former employee.

Only an authorized medical practitioner — after conducting an examination and reviewing the results of ancillary tests — can make the final decision on whether the employee can be allowed to work or not and issue the appropriate certificate.

Case
Description of the incident
The employees of a financial services sales agency work in the office and in the field, where they meet with clients. Office work involves entering sales data into a computer system. The employees are equipped with portable personal computers, known as laptops. The employer considered that the nature of their work does not involve exposure to agents harmful or hazardous to health, the working conditions are not arduous, so in the referral to the initial preventive medical examination, he did not indicate any harmful, arduous, or dangerous agents.
ERRORS
The employer incorrectly specified in the referral for preventive medical examinations the absence of dangerous, arduous, and harmful agents in the work environment or in connection with the work performed.
RULES OF PROPER CONDUCT
Based on Article 207 § 2 of the Labor Code, the employer is obliged to protect the health and life of employees by ensuring safe and hygienic working conditions. One of the employer's primary responsibilities is to determine the employee's ability to perform a specific job. To this end, he or she should subject employees to preliminary preventive medical examinations. The examinations take place on the basis of a referral issued by the employer, on the basis of a referral issued by the employer. This referral should include: determination of the type of preventive examination to be carried out (preliminary, periodic, or follow-up), in case of persons admitted to work or employees transferred to other positions — determination of the position of work in which the person is to be employed, and information on the presence in the position or positions of work of agents harmful to health or arduous conditions, as well as valid results of tests and measurements of agents harmful to health performed at these positions. Information on harmful, arduous, or hazardous agents can be derived from , but not limited to, occupational risk assessments, occupational safety and health manuals, and other available documents.
In case of an employee of a financial agency employed to provide financial sales services outside and inside the company's office, such agents may include, e.g., working outdoors (weather agents), forced body position (work at the computer), stress (customer service, mental workload related to performed work). These elements should be included by the employer in the medical examination referral, so that the medical practitioner providing preventive medical care

could appropriately match the type of examination and properly assess the health of the job candidate, and in case of periodic and follow-up examinations — of the employee.

WHAT LAWS HAVE BEEN BROKEN?

- *Article 207 § 2 of the Act of June 26, 1974 of the Labor Code,*
- *§ 4 ust. 1, ust. 2 rozporządzenia Ministra Zdrowia i Opieki Społecznej z dnia 3Regulation of the Minister of Health and Social Welfare of May 30, 1996 on the medical examinations of employees, the scope of preventive health care for employees and medical certificates issued for purposes provided for in the Labor Code (Journal of Laws [Dz. U.] No. 69, item 332 as amended)*

CONSEQUENCES OF THE INCIDENT: FOR THE EMPLOYEE/FOR THE EMPLOYER

The lack of information in the referral for preventive medical examination on the presence of agents harmful to health or arduous conditions at work positions may result in a medical certificate not being reliable in terms of the employee's ability to perform a given work. In such a case, the responsibility for the possible consequences of the performance of work by the employee with health contraindications to perform such a job will be borne by the employer, especially at the occurrence of an accident at work or a work-related illness. The employer in such situation is liable for failure to comply with occupational safety and health obligations, for which he or she can be charged with a fine in misdemeanor proceedings in the amount of PLN 1,000 to PLN 30,000.

Selected harmful agents occurring in the work environment

Occupational agents that are harmful to health are the agents of which effects on the employee lead or may lead to the development of an occupational disease or other work-related illness.

In order to prevent occupational and other work-related diseases, every employer is obliged to:

♦ maintain equipment that reduces or eliminates agents that are harmful to health in the work environment and equipment for measuring these agents in a state of constant efficiency,

♦ conduct tests and measurements of agents that are harmful to health at its own expense, keep register of the results of such tests and measurements, and make them available to the employees.

In terms of their impact on the human body, the agents occurring in the work environment are divided into:

♦ harmful agents,

♦ arduous agents,

♦ hazardous agents,

Harmful agent — an agent of which impact can lead or leads to a medical condition treated as an occupational disease.

Arduous agent — an agent of which impact on the employee can cause malaise or excessive fatigue, which does not actually lead to permanent deterioration of health.

Hazardous agent — an agent that can lead to the employee getting injured(accident at work).

Depending on the level of impact or other conditions, an arduous agent can become a harmful one, and a harmful one — a dangerous one (noise)

Before conducting tests and measurements of agents harmful to health, the employer gathers information on: technological processes, as well as the organization and method of performing work. Then, the employer enters the results of the tests and measurements of the agent harmful to health on an ongoing basis in the test and measurement card. The registers and cards are kept for a period of 40 years since the date of the last entry. The test and measurement results shall be kept for a period of 3 years since the last entry.

Health risk due to harmful agents — the condition of the work environment that can lead to the occurrence of a disease, e.g., harmful agents in concentration/intensity, exceeding the maximum permissible values, i.e., maximum permissible concentration (MPC), maximum permissible instantaneous concentration (MPIC), maximum permissible ceiling concentration (MPCC), and maximum permissible exposure limit (PEL) as specified in the applicable lists of hygienic standards.

Maximum permissible concentration (MPC) — the weighted average value of the concentration, of which the impact on the employee during an 8-hour daily and average weekly working time, as defined by the Act of June 26, 1974 — the Labor Code, on his or her working life should not cause negative changes in his or her health, and in the health of his or her future generations.

Maximum permissible instantaneous concentration (MPIC) — the average value of the concentration of a specific toxic chemical compound or dust, which should not cause negative changes in the health of the employee, if it occurs

in the work environment for not more than 15 minutes and not more often than 2 times during the work shift, at an interval of not less than 1 hour.

Maximum permissible ceiling concentration (MPCC) — the concentration value of a toxic chemical compound or dust, which, due to the risk of health or life of the employee, cannot be exceeded at any time in the work environment.

Maximum permissible exposure limit (PEL) — the permissible intensity of a physical agent harmful to health, established as exposure levels according to the characteristics of individual agents, of which impact on the employee during his or her working life should not cause negative changes in his or her health and the health of his or her future generations

Division of harmful agents

Harmful agents — chemical, physical, and biological ones— are always associated with the work environment, they produce specific biological or health effects that occur during exposure or manifest themselves at a later time:

1. harmful chemical agents are the most numerous harm-causing group. Most often they occur in the form of dusts, vapors, gases and fumes, which enter the body mainly through the respiratory tract, to a much lesser extent through the mouth and gastrointestinal tract, the skin,
2. harmful physical agents — these include unfavorable microclimate — cold and hot, as well as noise and mechanical vibration,
3. harmful biological agents — bacteria, viruses, fungi, parasites.

Identifying harmful agents in the work environment

It is unacceptable to use materials and technological processes without prior determination of the degree of their harmfulness to employees' health and taking appropriate preventive measures. In order to meet these requirements, the employer who hires employees in conditions of exposure to agents harmful to health is obliged to, e.g., carry out, at his or her own expense, tests and measurements of agents harmful to health, record and store the results of such tests and measurements, and make them available to his or her employees.

The first tests and measurements should be carried out after the commencement of operation of the workplace, no later than 30 days from the date of commencement of operations and each time after implementing any changes in the organization of work, setting of machinery, affecting the results of measurements carried out.

Before carrying out the tests, the employer shall, first of all, gather information on the technological processes and the agents harmful to health that occur in them in order to select them for determination in the work environment by laboratories that meet the specific requirements.

In addition, the employer has been obliged to consult with employees or their representatives on activities related to identifying agents harmful to health in the work environment, choosing them for testing, sampling them, and performing , tests and measurements on them.

Measurements of agents harmful to health

Measurements of agents harmful to health are carried out at the frequency specified by law, depending on their type. Testing and measurement of agents harmful to health in the work environment is regulated by the Regulation of the Minister of Health of February 2, 2011 on testing and measurement of agents harmful to health in the work environment.

Tests and measurements of chemical and physical agents harmful to health in the work environment must be carried out each time after implementing any changes in the technical equipment, in the technological process, or in the conditions of work that may have an impact on the level of emissions, the level of exposure, or when circumstances justifying the necessity to carry them out again have arisen.

The results of tests and measurements are compared to the values of hygienic standards. The primary source of information on the normative values of agents harmful for health and their limit values is the Regulation of the Minister of Labor and Social Policy of June 6, 2014 on the highest permissible concentrations and intensities of agents harmful to health in the work environment, which establishes: the maximum permissible concentrations of agents harmful to health in the work environment (MPC) and the maximum permissible exposure limit of a physical agent harmful to health in the work environment (PEL), as well as other normative values for these agents.

Arduous agents.

What are arduous agents in the work environment?

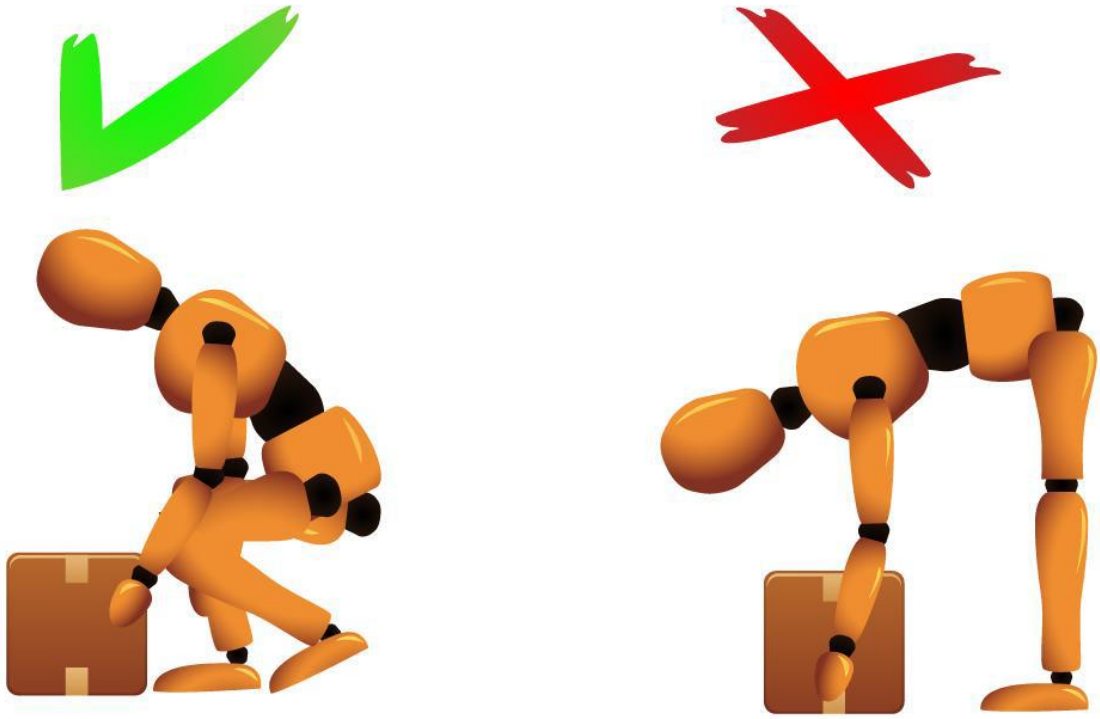
Arduous agents can reduce the employee's physical and mental performance.

These are known as psychophysical agents.
These include:
1. physical load (static and dynamic),
2. cognitive load (mind overload, underload, perceptual overload, emotional load).

According to general occupational safety and health regulations, work positions should be arranged in accordance with the type of work performed therein and the psychophysical characteristics of the employees, taking into account the principles of ergonomics.

Physical load.

Physical load of the employee most often resulting from improper body posture during work, excessive frequency of performed activities, or excessive weight of objects carried.
It is usually caused by improper organization or a workstation, which does not take the principles of ergonomics as well as occupational safety and health regulations into account. The key agent in terms of physical load is lifting and carrying heavy objects. The principles of proper lifting and carrying are regulated in the regulation on occupational safety and health regarding manual handling of loads. This regulation also specifies the employer's obligations in terms of ensuring safe and hygienic working conditions, as well as requirements for the organization and methods of performing manual handling of loads, taking into account the principles of ergonomics. It also indicates the permissible weights of transported objects, loads, or materials and the permissible force values required to move the objects.
The regulation impose obligations on the employer to utilize technical and organizational solutions aimed at eliminating manual handling of loads. If it is not possible to eliminate such, the employer — in order to reduce the inconvenience and hazards associated with the performance of such activities — is obliged to organize work and provide the employees with the necessary auxiliary equipment and personal protective equipment. Excessive physical load can lead to many diseases, occupational included, and even accidents.



A measure of physical load is energy expenditure during work shift expressed in kilojoules or kilocalories per unit of time. The amount of energy expenditure is the basis for determining works that are particularly arduous for women's health and works that are forbidden to juveniles, as well as works during the performance of which the employees should be provided with drinks and preventive meals.

Cognitive load.

Cognitive load is typically associated with mental work. Its severity depends primarily on the complexity, variability, repetitiveness, importance, and accuracy of the activities performed. It can take the form of perceptual underload or overload, monotony load, excessive mental effort, etc.

The most common psychological agent in the work environment is stress related to working conditions. Stress in an employee can be caused by any feature of the work that causes a state of tension as a result of the employee's interaction and subjective perception of information.
Prolonged stress is very destructive to the body. It causes exhaustion, weakness, difficulty in concentration and rational thinking. It can disrupt bodily functions, leading to insomnia and vegetative disorders. It can lead to organic diseases such as peptic ulcer disease. The result: reduced efficiency at work and deterioration in relations with the environment.
The workstation, together with machinery, equipment, and surroundings, should be adapted to the employee's anatomical and psychophysical characteristics as well his or her capabilities, needs, and expectations to ensure efficient, productive, and safe performance of his or her work. A reverse situation, i.e., the employee being forced to adapt to his or her workstation and its surrounding, should never take place.

Agents particularly hazardous to health and life
- Chemical agents.
Chemical agents in the work environment, including the ones classified as hazardous, are found not only in chemical and related industries in which such materials are produced, but also in other industries, such as:
→ construction and related industries,
→ professional cleaning,
→ hospitals and laboratories,
→ automotive and mechanical workshops,
→ printing plants,
→ carpenter shops,
→ paint shops,
→ art restoration shops, etc.
Chemicals in the air at workstations occur in the form of gases, vapors, aerosols, liquids, or solids. Under occupational exposure conditions, the absorption of such substances occurs mainly through the respiratory tract, the skin, and gastrointestinal tract.

Hazardous chemicals can be encountered in any workplace, whether it's a farm, a barber shop, an automobile repair shop, or a chemical manufacturing plant.

In order to protect human health or the environment against the harmful effects of these mixtures, a number of regulations have been implemented, which define the rules for handling them at each stage of production, as well as for using and managing their residues. These are specified, e.g., in the Act on Chemical Substances and their Mixtures and in the implementing regulations to this act.

What occupational safety and health requirements must be met to be able to use chemical substances and preparations?
— The use of hazardous chemicals is permitted provided that the degree of harm to the health of the employee is established.

Pursuant to Article 220 of the Labor Code, it is unacceptable to use materials and technological processes without priorly determining the degree of their harmfulness to the health of the employees and taking appropriate preventive measures.
— The use of chemicals and their mixtures that are not visibly labeled for identification is strictly prohibited. Moreover, no hazardous substance, hazardous mixture, substance that may pose threat, or mixture that may pose threat may be used without possessing a valid inventory of these substances and mixtures, safety data sheets, as well as protective packagings against harmful effects, fire, or explosion.
— The use of a hazardous substance, hazardous mixture, a substance that may pose threat, or a mixture that may pose threat is permitted provided that measures are taken to ensure the protection of the health and life of the employees.

The rules for the classification of chemical substances and their mixtures in terms of threats to health or life, the list of hazardous chemicals, the requirements for safety data sheets, and the manner of their labeling are defined by separate regulations.

Sample Safety Data Sheet for hazardous substance/mixture

NEW LABELING OF GHS CHEMICALS			
Pictogram		**Symbol**	**Hazard class**
	**GHS01**	Exploding bomb	— Explosives — Organic peroxides — Self-reactive substances and mixtures
	**GHS02**	Flame	— Flammable gases — Flammable aerosol products — Flammable liquid substances — Flammable solid substances — Pyrophoric liquid substances — Pyrophoric solid substances — Self-heating substances and mixtures — Substances and mixtures that release flammable gases in contact with water — Organic peroxides — Self-reactive substances and mixtures

	**GHS03**	Flame over the circle	— Oxidizing gases — Oxidizing liquids — Oxidizing solids
	**GHS04**	Gas cylinder	— Gases under pressure
	**GHS05**	Corrosive effect	— Corrosive to metals — Corrosive/irritant to skin — Serious eye damage/irritant to eyes
	**GHS06**	Skull and crossbones	— Acute toxicity
	**GHS07**	Exclamation mark	— Acute toxicity — Skin corrosion/irritation — Serious eye damage/eye irritation — Skin sensitization — Toxic effects on target organs — single exposure
	**GHS08**	Health risks	— Respiratory sensitization — Germ cell mutagenicity — Carcinogenicity — Reproductive toxicity — Toxicity to target organs — Single exposure — Toxicity to target organs — Repeated exposure — Aspiration hazard
	**GHS09**	Environment	• Posing threat to the aquatic environment

Dust.

What are the harmful effects of dust?

Based on the type of biological activity harmful to humans, dusts can be divided into the following:

— irritant dusts (particles of carbon, iron, glass, aluminum, barium compounds, etc.),

— dust causing fibrosis (particles of quartz, cristobalite, tridymite, asbestos, talc, kaolin, dust of ore and coal mines),

— carcinogenic dusts (asbestos, refractory ceramic fibers for special purposes),

— allergenic dusts (dusts of plant or animal origin, medications, dusts of arsenic, copper, zinc, chromium).

Under occupational exposure conditions, the harmful effects of dust occur primarily through the respiratory tract. The effects of dust on the human body depend on: dust concentration, particle size and shape, chemical composition and crystal structure, and the solubility of dust in body fluids. The severity of the physical work performed and individual characteristics of a given person, both genetic and acquired, also play an important role here.

Harmful biological agents present in the workplace

Legal basis

The Regulation of the Minister of Health of April 22, 2005 on biological agents harmful to health in the work environment and the protection of the health of the employees occupationally exposed to these agents (Journal of Laws [Dz. U] No. 81, item 716 as amended).

Harmful biological agents include:

- cellular microorganisms, including genetically modified ones,
- cell-free units capable of replicating or transferring genetic material, including genetically modified ones,
- cell cultures,
- internal parasites,

which may be the cause of:

- infections,
- allergies,
- poisoning.

Classification of harmful biological agents

The basis for classifying biological agents is their effect on the health of the employees.

Depending on their infectious properties, biological agents have been classified into 4 hazard groups. The criteria for classifying agents into particular groups are:

- the ability to cause a disease in humans and the severity of its course,
- the possibility of spreading the disease in the population,
- the possibility of applying effective prevention and treatment.

Hazard Group 1 —agents with low potential to cause a disease.

Agents in this group practically do not pose a threat to the employees, and therefore are not included in the list of harmful biological agents. In case of working with hazard group 1 agents, compliance with the general hygiene rules set forth in the applicable regulations is a sufficient condition to eliminate exposure or reduce the degree of exposure.

Hazard Group 2 — agents that can cause diseases in humans, can be dangerous to the employees, but the spread of which in the human population is unlikely. In their case, effective prevention or treatment methods are usually available; these include:

- Borrelia burgdorferi (the spirochete that causes Lyme disease),
- Staphylococcus aureus (golden staph),
- Clostridium tetani (tetanus bacillus),
- Aspergillus fumigatus.

Hazard Group 3 — agents that can cause serious diseases in humans, are dangerous to the employees, and are very likely to spread in the human population. In their case, effective prevention or treatment methods are usually available; these include:

- Yersinia pestis (Bubonic plague),
- Mycobacterium tuberculosis (tuberculosis),
- Blastomyces dermatitidis (dermal yeast),
- Yellow fever virus (causes yellow fever).

*Hazard Group 3*** — biological agents that pose a limited risk of infection to the employees as they are not usually airborne; these include:

- Salmonella typhi (typhoid bacillus),
- Shigiella dysenteriae Type 1 (dysentery bacillus),
- HIV, HBV, HCV,
- Rabies virus,
- Agents of spongiform encephalopathies (BSE, CJD)

Hazard Group 4 — agents that cause serious illness in humans, are dangerous to the employees, and are very likely to spread in the human population. There are usually no effective prevention or treatment methods for them; these include:

- Ebola virus,
- Lassa virus,
- smallpox virus.

List of works that expose the employees to harmful biological agents

- work in food production facilities,
- work in agriculture,
- work that includes contact with animals or animal-derived products,
- work in health care units,
- work in clinical, veterinary, or diagnostic laboratories,
- work in waste management facilities,

- work related to wastewater treatment,
- work in circumstances other than above, during which the exposure to biological agents is confirmed.

Obligations of the Employer

1. Implementation of the provisions of the Regulation of the Minister of Health of April 22, 2005 on harmful biological agents should begin with a proper occupational risk assessment, taking into account the exposure of the employees to harmful biological agents.
2. Conducting an occupational risk assessment allows for the application of appropriate preventive measures.
3. The risk assessment should be updated, in particular, in the event of:
   - changes in working conditions that may lead to increased risks for the hired employees,
   - contamination of the work environment as a result of an accident involving a biological agent,
   - the occurrence of an infection or disease in the employees that may be related
   - to the activities performed in the conditions where biological agents are present.
4. Despite the use of preventive measures, the employer fulfills a number of obligations:
   - avoids the use of a harmful biological agent if the nature of the activity allows it, by replacing it with another biological agent that, according to the conditions of use, is not hazardous or is less hazardous to the health of the employee,
   - maintains a record of work exposing the employees to a harmful biological agent classified in the hazard group 3 or 4 in the electronic form or in the form of a register book,
   - reduces the number of the employees exposed or potentially exposed to a harmful biological agent,
   - designs the work process in such a way as to avoid or minimize the release of a harmful biological agent in the workplace,
   - provides the employees with collective protection equipment or, where exposure cannot otherwise be avoided, with individual protection equipment appropriate to the type and level of exposure,
   - provides the employees with airtightness equipment to prevent and reduce accidental transfer or release of a harmful biological agent,
   - uses a biohazard warning sign that is specified in Annex 3 to the Regulation and other warning signs,
   - draws up a plan for the proceedings in case of an accident involving a harmful biological agent classified in hazard group 3 or 4,
   - conducts tests for the presence of a harmful biological agent where it is necessary and technically feasible, excluding the originally closed space,
   - provides conditions for the safe collection, storage, and disposal of waste by the employees, using safe and labeled containers,
   - applies procedures for safe handling of harmful biological agents,
   - provides the employees with systematic training; informs each employee of the medical examinations that the employee may make use of once the exposure has ceased,
   - maintains a register of the employees exposed to harmful biological agents classified in hazard group 3 or 4, in the electronic form or in the form a register book
   - informs at the request of the employee or his or her representative about:
   - the number of the employees exposed,
   - the person responsible for occupational safety and health as well as health protection of the employees,
   - informs the locally competent state sanitary inspector about the use of a harmful biological agent classified in hazard group 2-4 for scientific research, diagnostic or industrial purposes.

The information should be submitted to the competent sanitary inspector:

- at least 30 days before the day of first use of a harmful biological agent classified in hazard group 2-4,
- whenever there are significant changes that are relevant to the safety and health of the employee at the workplace,
- within 30 days after the company or facility ceases operations,
- immediately, in the event of any breakdown or accident that may have caused the release of a harmful biological agent classified in hazard group 2-4.

Biological agents (microorganisms and genetically modified organisms) present in the workplace

Microorganisms and genetically modified organisms as harmful biological agents present in the workplace.

Legal basis for closed use of GMO/GMM

The basic legal act that normalizes the matters related to genetically modified organisms in Poland is the Act of June 22, 2001 on microorganisms and genetically modified organisms (consolidated text, Journal of Laws [Dz. U.] of 2017, item 2134).

Closed use of GMMs — is understood as subjecting microorganisms to genetic modification or conducting cell culture of GMMs, their storage, transportation within a genetic engineering facility, destruction, disposal, or use in any other way during which safeguards are applied to effectively limit contact of GMMs with humans or the environment and to ensure a high level of their protection;

Closed use of GMOs — is understood as subjecting organisms to genetic modifications or cultivating GMO cultures, their storage, transportation within a genetic engineering facility, destruction, disposal, or use in any other way during which safeguards are applied to effectively limit contact of GMOs with humans or the environment and to ensure a high level of their protection.

The government administration body responsible for GMMs and GMOs in Poland is the minister responsible for the environment. The minister responsible for the environment is competent for, but not limited to:

1. issuing consents to:
   - closed use of GMM,
   - closed use of GMO,
   - intentional release of GMOs into the environment,
2. issuing permits for:
   - running a genetic engineering facility,
   - marketing of a GMO product.

The act defines the rules of:

- closed use of genetically modified microorganisms,
- closed use of genetically modified organisms,
- intentional release of genetically modified organisms into the environment.
- marketing of genetically modified products.

A genetically modified microorganism (GMM) is a microorganism in which the genetic material has been altered in a way that does not occur naturally by crossbreeding or natural recombination, using such techniques as, in particular:

- recombination of nucleic acids involving the formation of new combinations of genetic material by incorporating nucleic acid molecules obtained by any means outside the microorganism into a virus, bacterial plasmid, or vector and transferring them to a recipient in which they do not occur naturally, but in which they are capable of continuous replication,
- direct incorporation of genetic material prepared outside the microorganism, including microinjection, macroinjection, or microencapsulation,
- cell fusion or hybridization techniques that create living cells with a new combination of hereditary genetic material by fusing two or more cells.

A genetically modified organism (GMO) is a non-human organism in which the genetic material has been altered in a way that does not occur naturally by crossbreeding or natural recombination, using such techniques as, in particular:

- recombination of nucleic acids involving the formation of new combinations of genetic material by incorporating nucleic acid molecules obtained by any means outside the organism into a virus, bacterial plasmid, or vector and transferring them to a recipient in which they do not occur naturally, but in which they are capable of continuous replication,
- direct incorporation of hereditary material prepared outside the organism,
- including microinjection, macroinjection, or microencapsulation,
- cell fusion, including protoplast fusion, or hybridization techniques that create living cells with a new combination of hereditary genetic material by fusing two or more cells.

A genetic engineering facility is meant as premises, buildings, laboratories, or complexes thereof, adapted and designed to carry out closed use of GMMs or closed use of GMOs;

Inspections related to the closed use of GMMs and GMOs

In accordance with Article 4, paragraph 2 of the Act of March 14, 1985 on State Sanitary Inspectorate (consolidated text, Journal of Laws [Dz. U.] of 2017, item 1261, as amended), the scope of activities of the State Sanitary Inspectorate in the field of day-to-day sanitary supervision includes control of compliance with the provisions of the Act of June 22, 2001 on microorganisms and genetically modified organisms (consolidated text, Journal of Laws [Dz. U.] of 2017, item 2134) — with regard to conditions concerning occupational hygiene at genetic engineering facilities.

The authority responsible for the closed use of GMOs is the Minister of Environment.

Carcinogens occurring in the workplace

Carcinogenicity is the property of a chemical or physical agent that conditions the agent to cause cancer in humans. A carcinogen is a substance or a mixture of substances that causes cancer or increases the incidence of cancer.

Cancerous changes can take many years to manifest themselves after initial exposure to these substances. The period of this delay is called latency period and it can range from a few years to 40 years.

Mutagenic effects primarily concern substances that can cause mutations in human germ cells and can be passed on to offspring. Carcinogens or mutagens are defined in § 2 of the Regulation of the Minister of Health of July 24, 2012 on chemical substances, their mixtures, agents, or technological processes having carcinogenic or mutagenic effect in the work environment.

Legal basis

1. the Act of June 26, 1974 — the Labor Code (consolidated text, Journal of Laws [Dz. U.] of 2018, item 108). Pursuant to Article 222 of the aforementioned act, the employer is obliged to:
   - in the event of hiring an employee in conditions of exposure to chemical substances, their mixtures, agents, or technological processes with carcinogenic or mutagenic effects, replace such chemical substances, their mixtures, agents, or technological processes with carcinogenic or mutagenic effects with the ones that are less harmful to health, or use other available means to reduce the degree of such exposure, making appropriate use of the achievements of science and technology,
   - register all types of work involving contact with chemical substances, their mixtures (...), and keep a register of the employees engaged in such works.
2. Regulation of the Minister of Health of July 24, 2012 on chemical substances, their mixtures, agents, or technological processes with carcinogenic or mutagenic effects in the work environment (consolidated text, Journal of Laws [Dz. U.] of 2016, item 1117), which defines, yet is not limited to:
   - the list of chemical substances, their mixtures, agents, or technological processes with carcinogenic or mutagenic effects and the means of registering them,
   - the specific conditions for the protection of the employees from hazards caused by chemical substances, their mixtures, agents, or technological processes with carcinogenic or mutagenic effects,
   - the conditions and the means of monitoring the health of the employees exposed to chemical substances, their mixtures, agents, or technological processes with carcinogenic or mutagenic effects.

The list of chemical substances, mixtures, agents, or technological processes is composed of:

1. chemical substances that meet the criteria for classification as carcinogenic or mutagenic in category 1A or 1B in accordance with the Regulation of the European Parliament and of the Council (EC) no. 1272/2008 of December 16, 2008 on classification, labeling, and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No. 1907/2006 (OJ L 353, 31.12.2008, p. 1),
2. mixtures containing substances listed in point 1 in concentrations that result in meeting the criteria for classifying a mixture as carcinogenic or mutagenic category 1A or 1B in accordance with the regulation referred to in point 1,
3. carcinogenic or mutagenic agents — physical agents — ionizing radiation.
4. technological processes with carcinogenic or mutagenic effects:
   - auramine production,
   - technological processes associated with exposure to polycyclic aromatic hydrocarbons, present in coal soot, coal tars, and coal pitch,
   - technological processes associated with exposure to dusts, fumes, and aerosols formed during the refining of nickel and its compounds,
   - production of isopropyl alcohol through the use of strong acid,
   - works involving exposure to hardwood dust.

An employer hiring the employees in conditions of exposure to chemical substances, their mixtures, agents, or technological processes with carcinogenic or mutagenic effects is obliged, but not limited to:

- conduct tests and measurements in accordance with the recurrence specified in the Regulation of the Minister of Health of February 2, 2011 on tests and measurements of agents harmful to health in the work environment (Journal of Laws (Dz. U.) of 2011, No. 33, item 166),

- maintain a register of works of which performance causes the necessity of having contact with chemical substances, their mixtures, agents, or technological processes with carcinogenic or mutagenic effects,
- keep a register of the employees exposed to chemical substances, their mixtures, agents, or technological processes with carcinogenic or mutagenic effects,
- keep a register of the employees for the period of 40 years after the cessation of exposure, and in the event of liquidation of the workplace — transfer it to the competent state provincial sanitary inspector,
- inform the employees about any packaging, container, and installation containing a chemical substance, a mixture, or an agent with carcinogenic or mutagenic effects, as well as labeling requirements and warning signs,
- ensure the participation of the employees or their representatives in the design and implementation of measures to prevent or reduce the level of exposure to chemical substances, their mixtures, agents, or technological processes with carcinogenic or mutagenic effects,
- conduct periodic trainings of the employees,
- submit to the competent state provincial sanitary inspector immediately after the start of operations and annually, by January 15, information
- on chemical substances, their mixtures, agents, or technological processes with carcinogenic or mutagenic effects,
- inform the employees and their representatives on an ongoing basis about the risk of exposure to chemical substances, their mixtures, agents, or technological processes with carcinogenic or mutagenic effects, and in cases of exposure arising from accidents and other disruptions of a technological process or as a result of repairs or maintenance works undertaken and in other circumstances — about the causes of the resulting exposure and the preventive measures that have already been or will be taken to improve the situation.

The State Sanitary Inspectorate, as part of its supervision of working conditions, places particular emphasis on the presence of carcinogenic or mutagenic agents in the work environment. Due to the nature of the health effects, this matter is being pursued by the Inspectorate on a continuous basis.

Noise

Noise is any unwanted, unpleasant, annoying sound occurring at a given place, time, and circumstance. This definition is based on the subjective perception of noise.
Noise is a sound that is harmful to broadly defined human health.
This is because noise can damage or impair hearing irreversibly.

Noise, especially prolonged one, is harmful to humans mainly because it can become a cause of damage to the hearing organ. In addition, it also has a highly negative impact on mental comfort — it causes distraction, leads to nervousness or aggression, deprives of a sense of comfort and control over the situation, and even brings the risk of depression and other mental disorders closer.

The impacts of arduous noise are observed everywhere:
— at work,
— at home,
— at recreational areas,
— in public facilities and means of communication,

The harmful effects of noise depend on:
— the physical parameters of the acoustic stimulus:
— the intensity of the sounds
— their frequencies
— the nature of the sound (continuous noise, intermittent noise, one-time impulse)
— duration
— personal attitude
— general scenery
— mental workload
— individual sensitivity, age, gender, state of physical health.

Considering the source and location of noise, it is divided into the following types:
— industrial,
— communication,
— municipal,
— residential.

According to the CBOS poll, the place where excessively loud noises particularly annoy Poles is first and foremost the apartment or the house, followed by the workplace. The poll respondents' declarations show that in the apartment or in the house we are most often exposed to noise coming from streets and roads primarily in urban areas. The second source of noise in the apartment are the sounds coming from the immediate vicinity of the residence (e.g., loud music played by the neighbors, food and entertainment activities, barking dogs, children and teenagers playing loudly, noisy behavior under the window, car alarms, church bells).

In residential (multi-family) buildings, the main sources of installation noise that is arduous to the residents, are:
— installation of mechanical exhaust ventilation in the apartments,
— installation of local air conditioning and air heating,
— rooms with heat substations and boiler rooms built into residential buildings,
— water and sewage system of the apartments.

In public housing (hotels) and office and administrative buildings, the primary sources of arduous installation noise are:
— central ventilation and air conditioning installations,
— local air-conditioning system equipment of hotel and office rooms,
— refrigeration equipment,
— technical rooms in buildings

Noise intensity
The destructive effects of noise depend on, e.g., its intensity. Sound intensity level is expressed in decibels (dB).
An increase in noise levels up to 70 dB leads to vegetative changes in the body.

Intensity above 75 dB can cause the development of diseases and dysfunctions of internal organs. Remaining exposed to this type of noise for a long period of time increases the risk of developing high blood pressure or stomach ulcers. An increase in adrenaline secretion is also observed. Consequently, this also leads to an acceleration of the body's aging process.

When the intensity of the noise reaches the 90 dB threshold, it can lead at the very least to hearing impairment, but it can also cause partial hearing loss. Mechanical hearing loss is possible with the intensity increase of up to 120 dB. Above 130 dB, the increasing noise causes physical pain.
The effects of overexposure to high-intensity noise are divided into two groups. The first one includes damage to the anatomical structures of the hearing organ. It is usually caused by a one-time impact of noise of very strong intensity, such as above 120 dB. The second group consists of hearing impairments, which may or may not be reversible. They are the aftermath of prolonged exposure to noise, even of lower intensity.

Infrasonic and ultrasonic noise
Noise is distinguished on the basis of its frequency. Infrasounds are all sounds below the threshold of hearing, which is 20 Hz. Ultrasounds, on the other hand, are the sound if which frequency is so high that humans cannot hear them. Ultrasounds, although not audible, penetrate the body and have a negative effect on the organ of hearing.

Among types of noise, there is also impulse noise, which is considered as noise of random occurrence. It consists of one or more sound events lasting less than 1 second.

The most damaging noise areas are roads as well as air and rail routes. The most vulnerable to excessive noise levels and related consequences of such are people who live near heavy-traffic road routes. Exposure to noise in the workplace is also a problem of a large scale. Production hall workers, miners, construction and transportation workers remain are in the worst situation in this regard. The main sources of noise here are machinery, tools, and technological processes.

Health effects of noise.
Trouble with health and well-being due to excessive noise is experienced by about 13% of Poles.
The number of people with hearing impairment is increasing so rapidly that hearing loss has been classified as a civilization disease. 45% of Poles suffer from hearing loss. As many as 80% of them have hearing damage caused by prolonged exposure to noise and that damage is most often irreversible. The effects of long-term noise exposure reveal themselves very slowly.
Under the influence of noise, nervous tension (stress) increases, causing the body to release, e.g., various hormones, such as adrenaline (the hormone of fear, fight, flight), which releases glucose from the liver, allows the release of fatty acids stored in adipose tissue, treated as a source of energy for muscle work. Glucose and fatty acids not burned in the

muscles turn into cholesterol, which is accumulated in the walls of blood vessels and can lead to hypertension, heart attack, or stroke.
Noise accelerates and aggravates fatigue, suppresses the audibility of speech and acoustic warning signals, dulls visual acuity, observational acuity and affects the delay of defensive reactions, increasing the possibility of unfortunate accidents.
Short-term noise, e.g., in children is the cause of visual disturbances, stuttering, and epilepsy. Noise has a huge impact on a child's learning. Children staying in a noisy environment are unable to focus on learning. They have great difficulty understanding and remembering what they read.
One of the main consequences of excessive noise is insomnia. During sleep, the body regenerates its s strength. Sleep is very important for the central nervous system.
There is a close correlation between noise and the occurrence of mental disorders. It is estimated that 60% of mental illnesses are related to noise.

Noise protection
International Labor Organization defines noise as: "any sound that may lead to hearing loss, be harmful to health, or be otherwise dangerous. At the same time, it treats noise as a source of pollution."

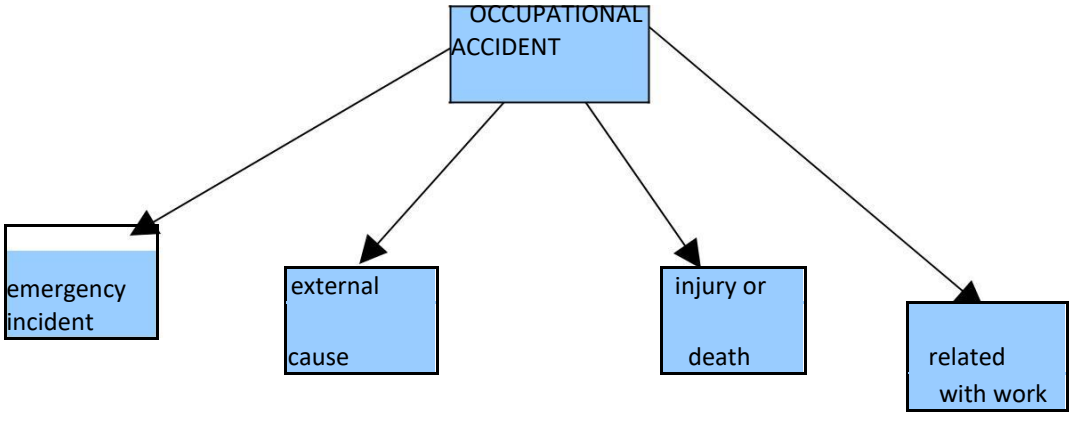
According to national and European law, the employer whose employees are exposed to work under high concentrations of noise is obliged to provide them with adequate protection against its destructive effects. Such protection involves, e.g., the implementation of equipment and technological processes that do not cause too much noise and the use of solutions that reduce the perception of high-intensity noise (the simplest is the use of hearing protectors).

One of the more effective ways to reduce or eliminate noise pollution is the mechanization and automation of technological processes, the implementation of low-noise machinery and equipment and acoustic dampers into production, as well as the use of sound-absorbing enclosures, sound-absorbing materials, and acoustic screens.

ACCIDENT AT WORK

DEFINITION
An accident at work is considered to be:

- emergency incident,
- incident caused by an external factor,
- incident resulting in injury or death,
- incident which occurred in connection with work:
    - during or in connection with the employee performing ordinary activities or following instructions of his or her supervisors,
    - during or in connection with the employee performing activities for the employer, even without instruction,
    - while the employee being at the employer's disposal on the way between the employer's premises and the place of duty resulting from the employment relationship.



In terms of entitlement to benefits specified in the act, an accident suffered by the employee is treated on a par with an accident at work:

- during a business trip in circumstances other than those associated with an accident at work, unless the accident was caused by the employee's conduct that is not related with the performance of his or her assigned tasks,
- during general self-defense training,
- when carrying out tasks assigned by union organizations operating at the employer.

Accident treated on a par with accident at work

Accidents suffered by the employee in the following circumstances are treated on a par with an accident at work in terms of entitlement to benefits:

- during a business trip, unless the accident is caused by the employee's conduct that is not related with the performance of his or her assigned tasks;
- during general self-defense training;
- when carrying out tasks assigned by union organizations operating at the employer.

Determination of the circumstances and causes of accidents at work and accidents treated similarly to accidents at work

Until the circumstances and causes of the accident are determined, the employer is obliged to secure the site of the accident in a way that excludes:

- allowing unauthorized persons to enter the accident site,
- unnecessary start up of machines and other technical equipment, stopped due to the accident.

The circumstances and causes of the accident are investigated by the post-accident investigation team / two persons / composed of:

- occupational safety and health officer,
- social labor inspector.

Post-accident report — drafting

After determining the circumstances and causes of the accident, the post-accident investigation team shall prepare, no later than 14 days after receiving notice of the accident, a report on the determination of the circumstances and causes of the accident, referred to as the post-accident report for short.

The post-accident investigation team states in the post-accident report that:

- the accident is an accident at work,
- the accident is not an accident at work

Before the approval of the report, the injured shall be acquainted with its contents and instructed on the right to make comments and objections to the findings of the report.

The employer is obliged to keep the report on the determination of the circumstances and causes of the accident, along with other post-accident documentation, for 10 years.

ACCIDENT ON THE WAY TO AND FROM WORK

An accident on the way to or from work is considered to be a sudden incident caused by an external factor, which occurred on the way to or from the place of performance of the employment or other activity constituting disability insurance entitlement if the route was the shortest and uninterrupted, if the interruption was justified by life and its duration did not exceed the limits of necessity, and also when the route, not being the shortest one, was the most convenient for the insured in terms of communication.
In addition to the road from home to work or from work to home, the road to or from the following place is also considered a road to or from work:

- the other place of employment or other place of activities constituting the title of disability insurance,
- the place of the ordinary performance of professional or social functions or tasks,
- the place of the usual consumption of meals,
- the place of receiving education or the place of studies.

For the duration of the employee's incapacity to work due to an accident on the way to or from work, the employee retains the right to 100% of remuneration.

OCCUPATIONAL DISEASES

An **occupational disease** is considered to be a disease, included in the list of occupational diseases, if, as a result of an assessment of the working conditions, it can be established indisputably or with a high probability that it was caused by the activity of agents harmful to health occurring in the work environment or in connection with the way the work is performed, known as "occupational exposure."

Recognition of an occupational disease in the employee or the former employee may occur during the period of his or her employment in occupational exposure or after termination of work in such exposure, provided there are documented symptoms of the disease within the period established in the list of occupational diseases.

In any case of suspicion of an occupational disease: a medical practitioner who, in the course of his or her profession, has become aware of such suspicion in the patient — shall refer the patient for examination in order to issue a ruling on the recognition of an occupational disease or on the lack of grounds for its recognition.

Notification of a suspected occupational disease may also be made by the employee or the former employee who suspects that the symptoms he or she is experiencing may indicate such a disease, with the current employee reporting the suspicion indirectly through the medical practitioner providing preventive health care for him or her.

The Council of Ministers defined, by means of the Regulation of June 30, 2009 (Journal of Laws [Dz. U.] of 2009, No.105, item 869), the list of occupational diseases and the period during which the occurrence of documented symptoms entitles an occupational disease to be recognized despite the early termination of work in occupational exposure.

Suspicion of an occupational disease shall be reported to: the competent **state provincial sanitary inspector and the competent district labor inspector** — whose jurisdiction is determined according to the place where the work is or was performed by the employee, or according to the national registered office of the employer in the event that records of occupational exposure are collected at that office.

The employer is obliged to systematically analyze the causes of accidents at work, occupational diseases, and other diseases related to the conditions of the work environment and, based on the conclusions of these analyses, apply appropriate preventive measures.

Case — Occupational diseases — procedure

1. *Description of the incident*

The employee asked the employer for a medical referral in relation to a suspected occupational disease in the form of pneumoconiosis. The employer refused to issue a referral, stating that the employee should visit a medical practitioner on his own and obtain a medical certificate proving that a suspicion of the occurrence of an occupational disease was warranted. The employer also refused to transfer the employee to another job.

ERRORS

The employer did not issue the employee a referral to a medical practitioner in relation to a suspected occupational disease. Such behavior is incorrect because the employer will obtain a ruling on the formation of symptoms of an occupational disease in the employee on the basis of a referral to a medical practitioner providing preventive medical care. Such a ruling will be the basis for taking further measures to prevent the harmful effects of the work performed or its conditions on the employee's health.

RULES OF PROPER CONDUCT

Pursuant to Article 230 § 1 of the Labor Code, if an employee is found to have symptoms indicating the onset of an occupational disease, the employer is obliged, on the basis of a medical certificate, within the time limit and for the period specified in the certificate, to transfer the employee to another position that does not expose him or her to the agent that caused the symptoms. The symptoms of an occupational disease are determined by the medical practitioner providing preventive medical care, who evaluates the hazards present in the work environment, based on but not limited to the information provided by the employer on the existence of agents harmful to health or arduous conditions, including the current results of tests and measurements of agents harmful to health present at workplaces. Hence, it is important that it is the employer, when issuing a referral for examination, to provide the above data. It is advisable for the medical practitioner to supplement the employer's information with insights from his or her visits to workplaces. The examination ends with the issuance of a medical certificate, the specimen of which is set forth in Appendix No. 3 to the Regulation of the Minister of Health and Welfare of May 30, 1996 on carrying out medical examinations of employees, the scope of preventive health care of employees and medical certificates issued for the purposes provided for in the Labor Code.

Pursuant to § 3, paragraph 1 and 2 of the mentioned regulation, in cases involving the determination of symptoms of an occupational disease for the purpose of transferring an employee to another job, the medical practitioner shall provide certification on the basis of the results of the medical examination conducted and the assessment of the risks

to the employee's health and life present at the workplace. In addition, according to § 6 of the regulation, the scope of preventive health care of employees, which is necessary due to working conditions, includes, in case of issuing a certificate stating the occurrence of symptoms indicating the formation of an occupational disease in the employee, conducting medical examinations outside the deadlines resulting from the frequency of periodic examinations and providing a medical certificate on the ability to perform current work. In such a case, a referral for an examination is issued by the employer after the employee reports his or her inability to perform the current work. In the event of the onset of symptoms of an occupational disease during preventive medical care, a medical practitioner may perform targeted examinations or exposure tests on employees performing works that pose a similar risk, aimed at the early diagnosis of possible lesions in these employees.

WHAT LAWS HAVE BEEN BROKEN?

- *Article 230 § 1 of the Act of June 26, 1974, the Labor Code,*
- *§ 4, paragraph 1 and 2, § 6, point 1 and 2 of the Regulation of the Minister of Health and Social Welfare of May 30, 1996 on carrying out medical examinations of employees, the scope of preventive health care for employees and medical certificates issued for purposes provided for in the Labor Code*

CONSEQUENCES OF THE INCIDENT: FOR THE EMPLOYEE/FOR THE EMPLOYER

Failure to provide the employee with a referral for a preventive medical examination aimed at identifying symptoms of an occupational disease may result in further exposure to conditions harmful to the employee's health. Thus, the employer should be considered to be in violation of its obligations to protect the employee's health and violate occupational safety and health regulations. In such a case, the employer may be fined from PLN 1,000 to PLN 30,000. Failure to transfer the employee to another job may have further consequences as failure to refer the employee for a medical examination that would have resulted in the employee being assigned to another job and keeping the employee at the work position in conditions that are highly harmful to health justifies the employer's liability for the resulting harm to the employee. (cf. the judgment of the Supreme Court of 09.01.1969 I PR 392/68, OSN 1969, No. 10, item 181).

2. *Description of the incident*

As a result of an examination at an occupational health clinic, the employee was provided with a certificate of a suspected emergence of an occupational disease. The employee does not agree with the content of the certificate, and therefore submitted a letter to the employer stating that he is not interested in being transfered to another job. The employer heeded the letter, assuming that it is possible to keep the employee at his current workstation at his request.

ERRORS

The employer cannot declare a medical certificate invalid on the basis of the employee's statement. If the content of the medical certificate, issued as a result of the examination performed by the occupational health medical practitioner, shows that there is a suspicion of an occupational disease, the employer, pursuant to Article 230 § 1 of the Labor Code, should transfer the employee to another job that does not expose him to adverse health conditions in the work environment or related to the way he performs his work.

RULES OF PROPER CONDUCT

Pursuant to § 5, paragraph 1 of the Regulation of the Minister of Health and Welfare of May 30, 1996 on carrying out medical examinations of employees, the scope of preventive health care for employees and medical certificates issued for purposes provided for in the Labor Code, the employee or employer who does not agree with the content of the issued medical certificate on a suspected occupational disease may request a new examination within 7 days from the date of issuance of the certificate , through the medical practitioner who issued the certificate. Such examination shall be conducted at the provincial occupational medicine center having jurisdiction over the place of work or the registered office of the organizational unit where the employee is hired, and if the disputed certificate was issued by a medical practitioner employed at the provincial occupational medicine center — at the nearest occupational medicine research and development unit. The examination should be carried out within 14 days of the request. It should be remembered that the medical certificate determined on its basis is final. If the content of the reissued medical certificate shows that an occupational disease is suspected, the employer should immediately transfer the employee to another job that does not expose him to the agent that caused the symptoms. If the transfer to another job results in a reduction in remuneration, the employee is entitled to a compensatory allowance for a period not exceeding 6 months.

WHAT LAWS HAVE BEEN BROKEN?

Article 230 § 1 of the Act of June 26, 1974, the Labor Code

CONSEQUENCES OF THE INCIDENT: FOR THE EMPLOYEE/FOR THE EMPLOYER

An inspection by the National Labor Inspectorate will confirm a violation of the obligation to transfer the employee to another job in connection with a medical certificate on a suspected occupational disease. If the 7-day period for appealing against a medical certificate has already expired, , the employer should transfer the employee, even against his will, to another job that does not expose him to further exposure to the agent causing the symptoms of an occupational disease. Failure to transfer the employee to another job results in the employer's liability for failure to comply with health and safety obligations, which can result in a sanction under Article 283 § 1 of the Labor Code, i.e., a fine of between PLN 1,000 and PLN 30,000. In the event of an inspection, the inspector of the National Labor Inspectorate will issue an order to transfer the employee to another job.

3. *Description of the incident*

The employee has obtained a decision declaring an emergence of an occupational disease and is awaiting payment of one-time compensation. According to the employee, the Social Insurance Institution should automatically pay out the compensation on the basis of a favorable decision, recognizing his condition as an occupational disease.

ERRORS

Obtaining a decision on the determination of an occupational disease, issued by the competent State District Sanitary Inspector, does not automatically mean that benefits are already granted on its basis. Further proceedings are needed to determine the degree of health impairment and issue a decision by the Social Insurance Institution to grant benefits under the Act on social insurance against accidents at work and occupational diseases.

RULES OF PROPER CONDUCT

Pursuant to Article 11, paragraph 1 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases, the insured who suffers permanent or long-term damage to his or her health as a result of an accident at work or occupational disease is entitled to one-time compensation. The assessment of the degree of health impairment and its connection with an accident at work or an occupational disease is carried out after the completion of treatment and rehabilitation. Permanent or long-term impairment of health and its connection with an accident at work or an occupational disease is determined by the Social Insurance Institution (ZUS) medical examiner.

According to § 1, paragraph 1 of the Regulation of the Minister of Labor and Social Policy of December 18, 2002 on detailed rules for adjudicating on permanent or long-term impairment of health, the procedure for determining such impairment and the procedure for payment of one-time compensation, the application for one-time compensation is submitted by the employee to the contribution payer (most often to the employer who pays contributions for the employee). The employer, upon receipt of the application, shall complete the documentation necessary to determine the level of health impairment of the insured caused by the occupational disease, not earlier than after the employee has completed treatment and rehabilitation.

The Social Insurance Institution should set a date for the insured to be examined by a medical examiner within 7 days of receiving the request. The medical examiner determines the permanent or long-term impairment and its connection with the occupational disease on the basis of a direct examination of the insured and the medical records in his or her possession, as well as the documentation on the accident at work or the occupational disease. When adjudicating on permanent or long-term health impairment due to an occupational disease, the medical examiner is bound by the decision of the State Sanitary Inspection body on the determination of an occupational disease. After making a determination, the medical examiner will issue a certificate of permanent or long-term impairment, in which he or she will determine the degree of the impairment and its connection with the accident at work or the occupational disease. Such certificate is the basis for obtaining a one-time compensation from the Social Insurance Institution, in accordance with the procedure provided for the payment of benefits under the regulations on old-age pensions and disability pensions from the Social Insurance Institution.

WHAT LAWS HAVE BEEN BROKEN?

§ 1, paragraph 1 of the Regulation of the Minister of Labor and Social Policy of December 18, 2002 on detailed rules for adjudicating on permanent or long-term impairment of health, the procedure for determining such impairment and the procedure for payment of one-time compensation

CONSEQUENCES OF THE INCIDENT: FOR THE EMPLOYEE/FOR THE EMPLOYER

The employee should submit a claim for one-time compensation for an occupational disease to the contribution payer, i.e., the employer, who will complete the documentation, including, but not limited to, attaching the employee's health certificate and the decision on the determination of an occupational disease. After the employee completes treatment and rehabilitation, the employer should forward the claim together with the completed documentation to the field organizational unit of the Social Insurance Institution, competent for the employee's place of residence, in order to refer the employee to the examination conducted by the Social Insurance Institution's medical examiner.

4. *Description of the incident*

The employee died after an illness recognized by a decision of the State District Sanitary Inspector as an occupational disease, issued while he was still employed. The deceased left a wife and a minor child. The employee's wife states that she is entitled to receive a one-time compensation of the equivalent of two benefits.

ERRORS

In connection with the death of the employee due to an occupational disease, the family may apply for the adequate benefits. Together with the decision on the determination of an occupational disease issued by the competent State District Sanitary Inspector and a copy of the death certificate, the wife should submit a claim for one-time compensation. Further proceedings are needed to determine the connection between the employee's death and the occupational disease. Subsequently, a decision will be issued by the Social Insurance Institution to grant the family a one-time compensation under the Act on social insurance against accidents at work and occupational diseases.

RULES OF PROPER CONDUCT

Pursuant to Article 13, paragraph 1 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases, family members of the insured who died as a result of an accident at work or an occupational disease are entitled to one-time compensation. Family members entitled to compensation are the spouse (if no separation has been decreed), as well as, but not limited to, own children who meet the conditions for a survivor's

pension on the date of the employee's death. In such a case, a compensation is due in the amount of 18 times the average remuneration, increased by 3.5 times the average remuneration, for each child. The amount of one-time compensation determined in accordance with the above rule shall be divided in equal parts among the entitled persons.

Pursuant to § 1, paragraph 1 of the Regulation of the Minister of Labor and Social Policy of December 18, 2002 on detailed rules for adjudicating on permanent or long-term impairment of health, the procedure for determining such impairment and the procedure for payment of one-time compensation, an eligible family member submits a request for one-time compensation to the contribution payer, i.e., in this case — the employer.

The basis for obtaining one-time compensation from the Social Insurance Institution is the decision of the Social Insurance Institution's medical examiner, who determines the connection between the occupational disease and the death.

WHAT LAWS HAVE BEEN BROKEN?

Article 14, paragraphs 1 and 2 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases

CONSEQUENCES OF THE INCIDENT: FOR THE EMPLOYEE/FOR THE EMPLOYER

The wife of a deceased employee should submit a claim for one-time compensation for the death of the employee due to an occupational disease to the contribution payer, i.e., the employer, who will complete the documentation, including, but not limited to, attaching a copy of the employee's death certificate and the State Sanitary Inspection's decision on the determination of an occupational disease. Based on the certificate of the Social Insurance Institution's medical examiner, who will determine the connection between the death and the occupational disease, a decision will be issued by the Social Insurance Institution, which will grant a specific amount of one-time compensation.

BENEFITS FOR ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES

The following benefits apply in case of an accident at work or an occupational disease:

- **sickness benefit** — for the insured whose inability to work was caused by an accident at work or an occupational disease. Sickness benefits from accident insurance are payable from the first day of inability to work caused by an accident at work or an occupational disease. Sickness benefit and rehabilitation benefits from accident insurance are payable at 100% of the benefit assessment basis,
- **rehabilitation benefits** — for the insured who, after exhausting sickness benefit, is still unable to work, and further treatment or medical rehabilitation are promising to regain the ability to work,
- **compensatory allowance** — for the insured whose salary has been reduced as a result of permanent or long-term injury,
- **one-time compensation** — for the insured who has suffered permanent or long-term health damage.

As **permanent impairment** is considered such a violation of the efficiency of the body that results in impairment of bodily functions that is unlikely to improve.

As **Long-term impairment** of health is considered such impairment of the efficiency of the body that causes impairment of bodily functions for a period exceeding 6 months and is likely to improve.

Assessment of the degree of health impairment and its relationship to the accident at work or occupational disease is carried out after treatment and rehabilitation.

The one-time compensation is equal to 20% of the average remuneration for each percentage of permanent or long-term health impairment.

Permanent or long-term health impairment and its connection with an accident at work or an occupational disease is determined by a medical examiner.

Application for one-time compensation

The insured or an eligible family member submits a claim for one-time compensation to the contribution payer. The contribution payer, upon receipt of the claim, completes the documentation necessary to determine the health impairment of the insured caused by an accident at work or an occupational disease.

Transfer of documentation by the contribution payer

After the insured completes treatment and rehabilitation, the contribution payer transfers the application together with the completed documentation to the field organizational unit of the Social Insurance Institution — competent for the place of residence of the insured. The Social Insurance Institution will set a date for the insured to be examined by a medical examiner within 7 days of receiving the application.

Other benefits accruing from an accident at work or an occupational disease:

- **one-time compensation** — for family members of the deceased insured or pensioner,
- **disability pension** — for the insured who became incapable of working as a result of an accident at work or an occupational disease,
- **training pension** — for the insured with respect to whom the advisability of vocational retraining has been declared due to inability to work in his or her current occupation, caused by an accident at work or an occupational disease,
- **survivor's pension** — for family members of the deceased insured or pensioner entitled to a pension due to an accident at work or an occupational disease,
- **supplement for reliance on care**,
- **supplement to survivor's pension** — for a complete orphan,
- **coverage of medical expenses** within the scope of the act.

Accident insurance benefits are not available to the insured when the sole cause of the accident was the proven violation of the regulations on the protection of life and health caused by the insured either intentionally or through gross negligence.

Accident insurance benefits are also not available to the insured who, being intoxicated or under the influence of intoxicants, psychotropic substances, contributed significantly to causing an accident.

Case - Accidents at work

1. *Slip, fall*

Description of the incident

A female employee of company X slipped on the floor of an office building. As a result of the fall, she suffered general bruising and a femur fracture. The post-accident team concluded that the cause of the accident was the injured employee's failure to exercise caution on a slippery floor. The need to move carefully through the office corridors and to follow occupational safety and health rules were pointed out as preventive conclusions.

Errors

The findings of the post-accident team do not indicate what type of footwear the injured wore and what the condition of the floor was (whether there were no cavities or uneven surfaces). It is difficult to clearly indicate the cause of the accident in the described situation; however, it is the role of the post-accident team to comprehensively investigate the circumstances. These findings cannot be laconic and reduced to a statement of the lack of caution of the employee in the absence of a description of other elements, such as the material condition of the work environment or the provision of the employee with appropriate clothing (work or protective).

Rules of proper conduct

The post-accident investigation should aim to establish the actual and objective circumstances of the accident, its cause (or several causes), and then to determine preventive conclusions aimed at preventing similar accidents from happening in the future. Therefore, the post-accident team should check and describe in the report all the elements of the incident that could have influenced the occurrence of the accident, indicate the cause-effect sequence, as well as propose measures to eliminate the occurrence of similar risks. If the floor is slippery, the post-accident team should determine as specifically as possible the type of preventive measures, e.g., ordering the development of rules for providing employees with footwear with non-slippery soles. Accidents involving falls on slippery surfaces are relatively common, e.g., when wearing high-heeled shoes.

What laws have been broken?

§ 4, § 7 of the Regulation of the Council of Ministers of July 1, 2009 on determining the circumstances and causes of accidents at work (Journal of Laws [Dz. U.] of 2009, No. 105, item 870)

Consequences of the incident: for the employee/for the employer

Determining in the accident report that the sole cause of the accident was the victim's failure to comply with occupational safety and health regulations and rules may deprive the employee of the right to accident insurance benefits. Therefore, it is important to clarify any causes that may have impact on the accident.
An inspection by the National Labor Inspectorate may result in the labor inspector ordering a reinvestigation of the circumstances and causes of the accident if the incorrect findings of the post-accident team deprived the injured of her right to accident benefits.

Any report of an accident at work or an incident that may have had the effects of an accident at work requires a post-accident investigation. Even if the incident, did not, apparently, result in an injury, it is imperative to proceed to determine the circumstances and causes of the accident. It cannot be ruled out that the injury that did not manifest itself immediately after the accident will not be revealed in the future. Only as a result of the findings made by the post-accident team, documented in the report with regard to the definition of an accident at work, i.e., the suddenness of the event, external cause, work-relatedness, and injury or death, can the incident be denied recognition as an accident at work. The accident report containing the refusal to recognize the incident as an accident at work should be kept by the employer, like any accident documentation, for a period of 10 years. The incident should also be entered in the register of accidents at work, with a note that it was not considered as such.

Legal basis:

§ 9, paragraph 1, § 12, paragraph 1 of the Regulation of the Council of Ministers of July 1, 2009 on determining the circumstances and causes of accidents at work (Journal of Laws [Dz. U.] of 2009, No. 105, item 870)

2. *Fall from a height*

Description of the incident

A construction and assembly company performed facade work. There were 7 workers employed on the site. During a lunch break, one of the workers climbed the scaffolding without any protection and instruction from the supervisor. The worker fell from the scaffolding, sustaining multiple injuries. The post-accident team concluded that the accident at work did not take place as the employee was at fault due to climbing the scaffolding arbitrarily, without receiving any instructions from the supervisor.

Errors

The fault of the injured does not determine whether or not an incident is considered an accident at work. The violation of occupational safety and health regulations and rules by the injured can only be a premise for depriving him of his right to post-accident insurance benefits by the Social Insurance Institution. However, it has not been determined for what reason the injured climbed the scaffolding during the break.

Rules of proper conduct

The post-accident team should determine the circumstances and causes of the accident and make a legal classification with reference to the elements of the definition of an accident at work. According to Article 3, paragraph 1 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases, an accident at work is considered a sudden incident, caused by an external factor, resulting in injury or death, which occurred in connection with work:

— during or in connection with the employee's performance of ordinary activities or instructions from superiors; during or in connection with the employee's performance of activities for the employer, even without instruction; while the employee is at the employer's disposal on the way between the employer's premises and the place of performance of the duty arising from the employment relationship. Therefore, it should be determined whether the employee entered the scaffolding during the lunch break, with or without being given instruction to do so, to perform activities for the employer, e.g., to secure tools left behind, or whether these activities were not in connection with work. It is the work-relatedness or lack thereof that could, in the example described, constitute the basis for recognizing or not recognizing the incident as an accident at work. In addition, it should be determined whether the scaffolding was properly constructed with safeguards, and whether the worker was equipped with fall protection equipment. Subsequently, the post-accident team should determine whether there has been a failure to comply with occupational safety and health regulations and rules, e.g., not using personal protective equipment.

What laws have been broken?

Article 3, paragraph 1 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases (Journal of Laws [Dz. U.] No. 199, item 1673)

§ 7, paragraph 1, item 7 of the Regulation of the Council of Ministers of July 1, 2009 on determining the circumstances and causes of accidents at work (Journal of Laws [Dz. U.] of 2009, No. 105, item 870)

Consequences of the incident: for the employee/for the employer

The employer is responsible for the proper conduct of the post-accident investigation and approves the report for determining the circumstances and causes of accidents. Thus, the decision on whether or not to recognize an incident as an accident at work is made as part of the employer's overall responsibility for the state of occupational safety and health at the workplace and for compliance with occupational health and safety regulations and rules.

3. *Stress at work*

Description of the incident

The incident occurred in December last year. An employee in the procurement section suffered a heart attack while driving a car to a customer. His explanation showed that he was nervous about the pedestrian's sudden intrusion into the roadway as the slippery road surface prevented normal vehicle braking. The employee argues that the fact of nervousness and stress while driving should be classified as an external cause of an accident at work. The post-accident team concluded that there was no work-relatedness in the case described.

Errors

The legal qualification of an accident should be made with reference to the 4 basic elements of an accident at work, resulting from Article 3, paragraph 1 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases (Journal of Laws [Dz. U.] No. 199, item 1673), i.e., suddenness of the incident, external cause, work-relatedness, and injury. The suddenness of the incident and the injury in the case described is not in doubt, yet the occurrence of the other two elements should undergo an analysis. Work-relatedness consists of a local, temporal, and functional connection between the external cause and the performance of work. In the situation described, it is difficult to question the work relationship if the procurement section employee was performing his normal duties of driving a car on the way to a customer. External cause is a cause that is the source of an accident, lying outside the human body, e.g., mechanical injuries caused by the operation of machinery, equipment, tools, materials; thermal

injuries such as burns, frostbite; the activity of natural forces; the activity of third parties. However, judicial decisions show that typical weather conditions in our climate zone, i.e., snowfall and the associated phenomenon of slippery pavement, should not be qualified as a source of stress for the employee. The Supreme Court ruled similarly, e.g., in its verdict of 2005.02.09 (SN III UK 192/04 OSNP 2005/17/276), i.e., cit. "the occurrence of cold weather in December (snow, frost, ice, slippery surface, etc.) is a typical phenomenon in the Polish climatic zone, so the stress of an employee commuting by public transportation from home to a bus stop cannot be qualified as a co-material external cause of a heart attack suffered while making the journey to work."

Rules of proper conduct

The post-accident team should make a detailed determination of the circumstances and causes of the accident, and then refer to the elements that qualify the incident as an accident at work with reference to the statutory definition of an accident at work. The refusal to recognize an incident as an accident at work requires detailed justification. In making the legal classification of an accident, it is possible to rely on the Supreme Court's rulings, which, although not being a source of law, provide guidance on the accepted line of jurisprudence in case an employee challenges an unfavorable decision of his or her employer in the labor court.

What laws have been broken?

Article 3, paragraph 1 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases (Journal of Laws [Dz. U.] No. 199, item 1673)

Consequences of the incident: for the employee/for the employer

The assessment of the post-accident team and the employer's decision to approve the post-accident report may be subject to review during an inspection by the National Labor Inspectorate and before the court, should the employee decide to file a claim for recognition of the incident as an accident at work.

4. *Intoxicated employee*

Description of the incident

An employee of a construction company proceeded to work in the morning. During the day, he walked near the scaffolding from where other employees were dropping off dismantled roof components. The employee was struck by a steel member of the structure, suffering a head injury. A blood test revealed the presence of alcohol. The post-accident team concluded that the sole cause of the accident was the injured employee's failure to exercise due care due to his state under the influence of alcohol. On this basis, it was determined that the work relationship had been severed and the incident was not considered an accident at work.

Errors

Simply stating that the employee was under the influence of alcohol at the time of the accident does not automatically mean that the work relationship has been severed. As a result of a thorough analysis of all circumstances related to the work performed, the post-accident team should determine the causes of the accident, which are most often several. Further analysis should provide the answer to the question of which cause was a decisive one and which co-contributed to the occurrence of the accident. Most often, the decisive cause is considered to be the one of which occurrence determined the incident as a direct result of the circumstances. In the case described, it has not been established how the behavior of the injured employee influenced the occurrence of the accident, in particular, whether the injured should be present in the place where the accident occurred. However, attention should be paid to whether the behavior of the other employees was correct from the point of view of the proper organization of work on the site. Still, it seems that the condition of the employee under the influence of alcohol did not constitute the sole cause of the accident in the case described; moreover, the premise of significant contribution of the injured to the accident caused is missing here as well. If this had been the case, it should be detailed in the post-accident report.

Rules of proper conduct

When investigating the circumstances and causes of the accident, it is necessary to describe the circumstances of the accident in detail, especially in the case of intoxication of the injured as, in such a situation, the findings of the post-accident team may determine the right of the injured right to accident insurance benefits. The post-accident team should therefore address the suddenness of the event, its external cause, work-relatedness, and injury sustained by the employee. Each of the indicated elements should be analyzed in the context of the circumstances of the accident. It is also necessary to determine the causes of the accident and answer the question of whether the injured, being under the influence of alcohol, significantly contributed to the accident himself.

The right to benefits for an accident at work derives from Article 21, paragraph 2 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases, which stipulates that the insured who, while being intoxicated, significantly contributed to causing an accident is not entitled to accident insurance benefits. In this regard, the post-accident team should make a thorough determination of the extent to which the state of intoxication and behavior of the injured contributed to the accident, and whether it is possible to confirm a significant degree of such contribution to the accident.

What laws have been broken?

Article 21, paragraph 2 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases (Journal of Laws [Dz. U.] No. 199, item 1673)

Consequences of the incident: for the employee/for the employer

The assessment of the post-accident team and the employer's decision to approve the post-accident report may be subject to review during an inspection by the National Labor Inspectorate and before the court, should the employee decide to file a claim for recognition of the incident as an accident at work.

5. *Juvenile employees*

Description of the incident

A juvenile employee hired under a contract to complete a vocational training suffered an accident at work. As a result of his injuries, he was hospitalized. A notice of the accident was submitted on behalf of the injured by the his mother. The employer concluded that he could not initiate post-accident proceedings until he had received notification from the injured employee in person. In addition, the employer disputes the employee's entitlement to accident insurance benefits, claiming that they only apply to employees hired on the basis of regular employment contracts.

Errors

The employer incorrectly refused to initiate post-accident proceedings. A notice of the accident can be submitted by any employee, any witness to the accident, and also by any other person informed about the accident. This rule applies to any accident involving both juvenile and adult employees, regardless of the type of employment contract that a given employee entered into. Entitlement to accident insurance benefits is also not excluded in the case of employment contracts concluded with juvenile employees for the purpose of completing vocational training by them.

Rules of proper conduct

A notice of the accident is to be submitted by the injured , if his or her state of health allows it. Such a notice can be submitted by any person who became aware of or witnessed the accident, especially when health condition of the injured does not allow him or her to personally inform the employer about the incident. A notice of the accident at work can also be submitted by a third party who is not an employee of the establishment; the employer cannot refuse to initiate accident proceedings in such a case. It is clear from the Act on social insurance against accidents at work and occupational diseases that the employer is obliged to determine the circumstances and causes of the accident in the event of a notice. Even the subjective belief of the lack of entitlement to benefits in relation to an accident at work (in this case, incorrect) does not justify the employer to abandon the determination of the circumstances and causes of the accident. The investigation of the circumstances and causes of the accident should be commenced immediately, as soon as possible, after the occurrence of the accident. Reliable clarification of all the circumstances of the accident is possible when these measures are taken immediately after the incident, when the condition of machinery, equipment and other elements of the work environment makes it possible to reconstruct the course of the event. The post-accident team appointed by the employer should also take measures when the injured is in the hospital, or, alternatively, extend the deadline for completing the investigation beyond 14 days if the state of health of the injured does not allow him or her to accept the information necessary to determine the circumstances and cause of the accident. The reasons for failure to meet the deadline must also be explained in detail in the post-accident report.

What laws have been broken?

§ 7, paragraph 1, § 9, paragraph 1 of the Regulation of the Council of Ministers of July 1, 2009 on determining the circumstances and causes of accidents at work (Journal of Laws [Dz. U.] of 2009, No. 105, item 870)

Consequences of the incident: for the employee/for the employer

If measures are not taken to determine the circumstances and causes of the accident, the employee may file a complaint with the National Labor Inspectorate and demand in court that the incident be recognized as an accident at work.

In the event of an inspection, a labor inspector of the National Labor Inspectorate may find that an offense has been committed against the rights of the employee and punish the employer with a fine or refer the case for punishment to the municipal court.

6. *Being pulled by the machine*

Description of the incident

During a trial run of a plastics processing line, an employee put his hand into a plastic grinding mill, got caught by protruding pieces of clothing, and seriously injured his hand. The post-accident investigation determined that the employee was not sufficiently prepared to perform the work, which was the cause of the accident, and as preventive conclusions it was recommended to discuss the circumstances of the accident with the plant's employees and to organize additional training for the supervisors of the employees.

Errors

The circumstances of the accident have not been fully and accurately determined. The mere statement that the employee was not sufficiently prepared to perform the work in question is a laconic formulation. On this basis, preventive conclusions were also determined in a way that does not protect against the occurrence of similar accidents in the future.

Rules of proper conduct

When investigating the circumstances and causes of the accident, the team should be thorough and objective in order to reliably determine the circumstances that led to the accident and the reasons for their occurrence. The post-accident report should address: the type and nature of the employee's employment — in this case, it was necessary to determine whether the type of work performed corresponded to the scope of duties the employee was entrusted with

under the employment contract; the preparation of the injured for the work performed, in particular, to determine: whether he was subjected to preventive medical examinations, whether the exposure to risk factors in the work environment was properly specified in the referral for medical examination, whether he received training in occupational safety and health at the occupied workstation, whether the training program took into account the activities performed at the time of the accident, whether he was qualified to perform the work in question; whether the employee was equipped with personal protective equipment, clothing and footwear; occupational risk assessment, the place of the accident: technical condition of machinery and technical equipment — in this case, whether the machine was technically efficient, whether the start-up took place in accordance with the manufacturer's recommendations specified in the technical and operational documentation; material work environment, such as lighting, noise, dust, organization of work, pace of work, supervision of work, working time, breaks, fatigue, stress. Only by analyzing all the circumstances surrounding the work performed will it be possible to answer the question of what caused the accident. The causes of the accident are then the starting point for the proper determination of preventive conclusions, i.e., the identification of measures that will help avoid similar accidents in the future.

What laws have been broken?

§ 7, § 15 of the Regulation of the Council of Ministers of July 1, 2009 on determining the circumstances and causes of accidents at work (Journal of Laws [Dz. U.] of 2009, No. 105, item 870)

Consequences of the incident: for the employee/for the employer

The employee may submit comments and objections to the accident report if he believes that the findings of the post-accident team do not correspond to the actual circumstances or causes of the accident. In addition, the accident report in relation to fatal, serious, and collective accidents, which contains findings that violate the employee's rights or incorrect preventive conclusions, may be returned to the employer by the competent inspector of the National Labor Inspectorate with a justified request to redetermine the circumstances and causes of the accident.

7. *Electrocution*

Description of the incident

A warehouse employee snagged on an overhanging electrical wire while carrying goods with a forklift. After being given first aid, the employee was discharged from the hospital, but the next day we learned that his health had deteriorated significantly and he was hospitalized again. Only then did we notify the National Labor Inspectorate and the prosecutor's office of a possibly serious accident at work.

Errors

The employer failed to promptly notify the labor inspector of the National Labor Inspectorate and the public prosecutor of a serious accident at work.

Rules of proper conduct

The employer is obliged to immediately notify the labor inspector of the National Labor Inspectorate and the public prosecutor, having jurisdiction over the place of the incident, of a fatal, serious, or collective accident at work as well as of any other accident with such consequences that is related to work if it can be considered an accident at work. In this case, immediately means acting without undue delay, i.e., as soon as possible under the conditions and circumstances of the accident. The the labor inspector of the National Labor Inspectorate can be notified of an accident by telephone, in writing, by fax, and also in person at any unit of the National Labor Inspectorate.

Under the circumstances described, however, it can be considered that the knowledge of the severity of the accident only came when the injured employee's health deteriorated.

When there are doubts about the legal qualification of the accident, it would be advisable to notify the competent authorities in order to allow the investigation to determine the circumstances and causes of the accident as soon as possible. It is also connected with stopping the operation of machinery and equipment and with securing the accident site.

It is necessary to exclude the possibility of changes in the location of machinery and equipment and other objects that caused the accident in case it could be possible to reconstruct the circumstances and the course of the accident and to determine its causes based on their location and condition. Securing the accident site and stopping the operation of machinery and equipment should continue until the arrival of emergency services, members of the post-accident team and representatives of the prosecutor's office, police, and the National Labor Inspectorate. Approval to start machinery and equipment or to implement other changes at the site of the accident shall be issued by the employer, in consultation with the social labor inspector, after inspecting the site of the accident and taking, if necessary, photographs of the accident site, etc. After a fatal, serious, or collective accident, the approval may be issued in consultation with the relevant labor inspector of the National Labor Inspectorate and the public prosecutor. In the case of accidents at the mining plant, the approval of the competent body of the State Mining Authority (WUG) is also required.

Implementing changes to the accident site without the required approval is permitted only if it is necessary to save persons or property or to prevent imminent danger. Thus, a proper assessment as to the consequences (severity) of the accident will also be of significant importance for the proceeding at the accident site.

What laws have been broken?

Article 234 § 2 of the Act of June 26, 1974 — The Labor Code (consolidated text Journal of Laws [Dz. U.] of 1998, No. 21, item 94 as amended),

§ 3 of the Regulation of the Council of Ministers of July 1, 2009 on determining the circumstances and causes of accidents at work (Journal of Laws [Dz. U.] of 2009, No. 105, item 870)

Consequences of the incident: for the employee/for the employer

Failure to notify the competent district labor inspector and the public prosecutor of a fatal, serious, or collective accident at work, as well as any other accident with the listed consequences that is work-related, if it can be considered an accident at work, is an offense under Article 283 § 2, point 6 of the Labor Code and is punishable by a fine of up to PLN 30,000.

8. *Being crushed by a machine*

Description of the incident

While transporting new machines to the plant, the employees brought them into the hall and set them up, using hand carts. As a result of limited visibility, one of the employees tripped and was consequently crushed by the falling heavy equipment. The post-accident report identified the fall of the employee on an uneven floor as the cause of the accident. No reference was made as to the organization of work in team transportation. No preventive conclusions have been formulated on how to proceed in case of manual handling of loads.

Errors

In the report of establishing the circumstances and causes of the accident, the post-accident team did not refer to irregularities in terms of work organization during manual handling of loads. These rules derive from the Regulation of the Minister of Labor and Social Policy of March 14, 2000 on occupational safety and health in manual handling of loads.

Rules of proper conduct

When investigating the circumstances and causes of an accident at work, it is necessary to verify compliance with the employer's obligations in manual handling of loads, the requirements for the organization and methods of performing manual handling of loads, taking into account the requirements of ergonomics, the permissible weight of the object being moved. The post-accident team in the post-accident report may point out the failure to comply with health and safety regulations and rules. On this basis, preventive conclusions should be formulated aimed at eliminating manual handling of loads that poses health risks to employees. The post-accident team, based on the provisions of the Regulation of the Minister of Labor and Social Policy of March 14, 2000 on occupational safety and health in manual handling of loads, should point out that when organizing manual handling of loads, the need to avoid manual handling when the load is too heavy, too large, bulky, or difficult to hold according to the judgment of the supervisor of the employees. Attention should be paid to the obligation to develop instructions for the safe performance of manual handling of loads.

What laws have been broken?

The Regulation of the Minister of Labor and Social Policy of March 14, 2000 on occupational safety and health in manual handling of loads (Journal of Laws [Dz. U.] No. 26, item 313 and No. 82, item 930 as amended);

The Regulation of the Council of Ministers of July 1, 2009 on determining the circumstances and causes of accidents at work (Journal of Laws [Dz. U.] of 2009, No. 105, item 870)

Consequences of the incident: for the employee/for the employer

The employee may submit comments and objections to the accident report if he believes that the findings of the post-accident team do not correspond to the actual circumstances or causes of the accident. In addition, the accident report in relation to fatal, serious, and collective accidents, which contains findings that violate the employee's rights or incorrect preventive conclusions, may be returned to the employer by the competent inspector of the National Labor Inspectorate with a justified request to redetermine the circumstances and causes of the accident.

Accidents treated on par with accidents at work

1. *Accident during a business trip*

Description of the incident

An employee fainted while taking a rest in a hotel during a business trip. While falling, he hit himself and suffered a skull injury. The employer refused to recognize the incident as an accident at work, arguing that the accident which occurred while taking a rest at the hotel is not work-related.

Errors

Determination of the lack of work-relatedness of the incident can be made only after establishing the circumstances and causes of the accident, in the prescribed manner, in the post-accident report. Otherwise, the refusal to recognize the incident as an accident at work cannot be argued.

Rules of proper conduct

In the circumstances specifically listed in the Act on social insurance against accidents at work, the incident will be recognized as an accident at work despite of the circumstances not having a close, or even remote, connection with the performance of work. In light of the provisions of the Act, an accident suffered by an employee during a business trip under circumstances other than those characteristic of an accident at work is treated on a par with an accident at work

in relation to insurance benefits unless the accident was caused by the employee's conduct that is not related to the performance of assigned tasks. However, in order to establish that there is no connection between the employee's behavior and the injury-causing incident, a report of the determination of the circumstances and causes of the accident must be drawn up. It should be noted that a work-related accident can also occur while staying in a hotel on a business trip, , not necessarily while performing work-related tasks. The work-relatedness will not be severed if the employee behaved in a customary manner at the hotel.

What laws have been broken?

Article 3, paragraph 2, point 1 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases (Journal of Laws [Dz. U.] No. 199, item 1673)

Consequences of the incident: for the employee/for the employer

If measures are not taken to determine the circumstances and causes of the accident, the employee may file a complaint with the National Labor Inspectorate and demand in court that the incident be recognized as an accident at work.

In the event of an inspection, a labor inspector of the National Labor Inspectorate may find that an offense has been committed against the rights of the employee and punish the employer with a fine or refer the case for punishment to the municipal court.

2. *Accident during training*

Description of the incident

I suffered an accident during a training course (apprenticeship as a construction equipment operator) organized by the District Labor Office. I reported the accident to the supervisor on the employer's side, but he informed me that I should report the accident to the District Labor Office. At the office, I was informed that it is, however, the employer who should accept the notice and determine the circumstances of the accident so that I can receive one-time compensation. I don't know who is right.

Errors

The employer acted inconsistently with the provisions of the Act on social insurance against accidents at work and occupational diseases as he was supposed to determine the circumstances and causes of the accident.

Rules of proper conduct

Determining the circumstances and causes of accidents at work suffered during the period of accident insurance by persons other than employees, listed in the accident act, is made in the accident sheet by the employer at whom the scholarship holder is undergoing internship, vocational preparation of adults, vocational preparation in the workplace, or training, or the unit at which the scholarship holder is undergoing training — in relation to the scholarship holder during the period of such internship, vocational preparation of adults, vocational preparation in the workplace, or training on the basis of a referral issued by the district labor office or by another referral entity. The provisions of the Regulation of the Minister of Labor and Social Policy of December 19, 2002 on the procedure for recognizing an incident occurring during the period of accident insurance as an accident at work, the legal qualification of the incident, the template of the accident sheet, and the deadline for its preparation shall apply to the persons listed in Article 3, paragraph 3 of the Act on social insurance against accidents at work and occupational diseases. (Journal of Laws [Dz. U.] of December 30, 2002). Persons undergoing apprenticeship, training, and other forms of further training listed in the act, covered by accident insurance, shall report the accident to the relevant entities required to prepare an accident sheet.

In this case, an investigation should also be carried out to recognize the incident as an accident at work on the basis of determining its circumstances and causes, in particular by: securing the site of the accident in such a way as to reconstruct its circumstances, inspecting the site of the accident, the technical condition of machinery and other technical equipment, the condition of protective equipment, and investigating the conditions of work and other circumstances that may have influenced the accident, hearing out the injured and witnesses to the accident, collecting other evidence relating to the accident deemed necessary.

Accidents at work involving non-employees are documented in the accident sheet instead of the post-accident report. The legal qualification of the incident is carried out by the entities organizing the training. The statement that an incident is not a work accident requires justification and indication of the evidence underlying such a statement in the accident sheet. After determining the circumstances and causes of the accident — no later than 14 days from the date of receipt of notice of the accident — the entities shall prepare an accident sheet. What is important is that immediately upon receipt of information on the accident, the entities responsible for determining the circumstances and causes of the accident are obliged to notify in writing the relevant field organizational unit of the Social Insurance Institution of the initiation of post-accident proceedings, in which a representative of the Social Insurance Institution may participate.

What laws have been broken?

Article 3, paragraph 3, point 4 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases (Journal of Laws [Dz. U.] No. 199, item 1673)

Regulation of the Minister of Labor and Social Policy of December 19, 2002 on the procedure for recognizing an incident occurring during the period of accident insurance as an accident at work, the legal qualification of the

incident, the model of the accident sheet and the deadline for its preparation (Journal of Laws [Dz. U.] No. 236, pos. 1992)

Consequences of the incident: for the employee/for the employer

Accidents suffered by persons participating in trainings on the basis of a referral from the district labor office are treated on a par with accidents at work. In this case, the injured also can file a lawsuit with the labor court to establish that the incident was an accident at work or a complaint with the National Labor Inspectorate. In the event of an inspection, a labor inspector of the National Labor Inspectorate may find that an offense has been committed against the rights of the employee and punish the employer with a fine or refer the case for punishment to the municipal court.

Accidents on the way to and from work

1. *Slipping on the way to work*

Description of the incident

An employee of a bank was on a lunch break during work. During his break, he usually goes to a restaurant where he makes use of subscription lunches. After the break, he was expected to return to work. On his way back, he fell on a sidewalk and suffered a pelvic bone fracture as a result of hitting a curb. According to the employee, the incident qualifies as an accident at work, but the employer is of the opinion that a lunch break, not counted as working time, severs the connection with work and that the incident should not therefore be considered an accident at work.

Errors

The employer is incorrect. A break from work, even if it is not counted as working time, does not sever the connection with work. In the case described, it is possible to speak of an accident on the way to work.

Rules of proper conduct

Accidents on the way to and from work do not fall into the category of accidents at work so the rules on so-called post-accident proceedings do not apply. However, the injured are entitled to benefits, based on the provisions of the Act of December 17, 1998 on pensions from the Social Insurance Fund.

According to the provisions of the aforementioned act, an accident on the way to or from work is considered a sudden incident, caused by an external factor, which occurred on the way to or from the place of performance of employment or other activity constituting disability insurance entitlement if the route was the shortest and was not interrupted.

However, an accident is considered to have occurred on the way to or from work, even though the route was interrupted, if the interruption was justified in life and its duration did not exceed the limits of necessity, and also when the route, not being the shortest one, was the most convenient for the insured in terms of communication. Apart from the route to or from work, the route to or from the place of eating meals is also regarded as the route to or from work.

Therefore, in the case described, an accident sheet on the way to work should be prepared. The detailed rules of procedure are set forth in the Regulation of the Minister of Labor and Social Policy of December 24, 2002 on the detailed rules and procedures for recognizing an incident as an accident on the way to or from work, the manner of its documentation, the template of an accident sheet on the way to or from work, and the deadline for its preparation.

Recognition of an incident as an accident on the way to or from work is based on the statement of the injured person, a family member, or witnesses as to the time, place, circumstances of the incident, information and evidence from the entities investigating the circumstances and causes of the incident, or providing first aid to the injured person, the findings of the sheet preparer.

The accident sheet should be prepared after determining the circumstances and causes of the incident, no later than 14 days from the date of receipt of notice of the accident, in two copies, one of which is to be submitted to the injured person or a member of his family and the other to be kept in the post-accident documentation.

What laws have been broken?

Article 21, paragraph 2 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases (Journal of Laws [Dz. U.] No. 199, item 1673)

The Regulation of the Minister of Labor and Social Policy of December 24, 2002 on detailed rules and procedures for recognizing an incident as an accident on the way to or from work, the manner of its documentation, the template of an accident sheet on the way to or from work, and the deadline for its preparation. (Journal of Laws [Dz. U.] of December 30, 2002).

Consequences of the incident: for the employee/for the employer

Accidents on the way to and from work give rise to obligations on the part of the employer to prepare an accident sheet. If the employer fails to take appropriate action, the employee can file a lawsuit in the labor court to establish that the incident was in fact an accident on the way to work, and on this basis obtain benefits from the Social Insurance Institution.

2. *Car accident on the way from work*

Description of the incident

During the car ride back home from work, I drove to pick up my daughter from preschool. There was a traffic accident on the way home, as a result of which I suffered a broken arm. The employer refused to compensate me, claiming that

the current act on social insurance against accidents at work does not cover accidents on the way to and from work, and furthermore that I should not have taken care of my private affairs while returning from work.

Errors

The employer incorrectly claims that the employee is not entitled to one-time compensation. Indeed, in this case we are not dealing with an accident at work but with an accident on the way to and from work. Since January 1, 2003, the legal regulations of accidents on the way to and from work have been excluded from the Act on social insurance against accidents at work and occupational diseases. Benefits for accidents on the way to and from work have been transferred to the Act on pensions from the Social Insurance Fund, so the injured employee can receive one-time compensation.

Rules of proper conduct

According to Article 57b, paragraph 1 of the Act of December 17, 1998 on pensions from the Social Insurance Fund, an accident on the way to or from work is considered a sudden incident caused by an external factor, which occurred on the way to or from the place of employment, if the route was the shortest and was not interrupted. However, the accident is considered to have occurred on the way to or from work, even though the route was interrupted, if the interruption was justified in life and its duration did not exceed the limits of necessity, and also when the route, not being the shortest route, was the most convenient for the insured person in terms of communication. The employer should determine the circumstances of the accident based on the statement of the injured person, her family member, or witnesses as to the time, place of the circumstances of the incident as well as information and evidence from the entities investigating the circumstances and causes of the incident or providing first aid to the injured person and other findings.

The accident sheet on the way to and from work should be prepared after determining the circumstances and causes of the incident, no later than 14 days from the date of receipt of notice of the accident, in two copies, one of which is to be submitted to the injured person or a member of her family and the other to be kept in the post-accident documentation. Refusal to recognize an incident as an accident on the way to or from work requires a statement of reasons. The refusal does not close the path of proceedings for payment of one-time compensation, as the employee will be able to file a lawsuit in the relevant labor court.

What laws have been broken?

The Act of December 17, 1998 on pensions from the Social Insurance Fund (Journal of Laws [Dz. U.] No. 162, item 1118, as amended, and of 2002, No. 74, item 676)

The Regulation of the Minister of Labor and Social Policy of December 24, 2002 on detailed rules and procedures for recognizing an incident as an accident on the way to or from work, the manner of its documentation, the template of an accident sheet on the way to or from work, and the deadline for its preparation. (Journal of Laws [Dz. U.] of December 30, 2002).

Consequences of the incident: for the employee/for the employer

The injured employee can file a lawsuit in the labor court for the recognition of the incident as an accident on the way from work and, based on a favorable judgment, obtain the right to one-time compensation.

3. *Accident outside the workstation*

Description of the incident

After the end of normal working hours, an employee stayed longer at work, wanting to finish an urgent task that was due at 7 a.m. the next day. As a result, he missed the departure of a bus and returned home on foot. He was hit by a car on the road. The employee reported the accident to his employer, who, however, refused to recognize the incident as an accident on the way from work. According to the employer, the fact of remaining outside normal working hours without being instructed by the employer precludes the incident from qualifying as an accident on the way from work, especially since if the employee had taken the bus home, the accident would not have occurred.

Errors

Remaining at work outside normal working hours does not preclude the incident from being work-related. The employer did not determine the type of task the employee was performing and whether there was a need to work overtime, even without an explicit order from the employer, especially since the employee's explanations indicated that the task he was performing was to be ready the next morning.

Rules of proper conduct

Under the provisions of the Act of December 17, 1998 on pensions from the Social Insurance Fund, an accident on the way to or from work is considered a sudden incident, caused by an external factor, which occurred on the way to or from the place of employment or other activity constituting disability insurance entitlement if the route was the shortest and was not interrupted. The employer should make findings aimed at recognizing the incident as an accident at work or denying it in the accident sheet on the way to or from work. The severance of the connection with work is determined by the specific circumstances, but the refusal to consider the incident as an accident on the way to or from work requires detailed justification by referring to regulations or possibly judicial decisions. However, as the Supreme Court's rulings indicate, if the employee performed his work duties outside of normal working hours while acting in the interest of the employer, there is a functional relationship and the incident will be classified as an accident on the way to or from work.

What laws have been broken?

The Act of December 17, 1998 on pensions from the Social Insurance Fund (Journal of Laws [Dz. U.] No. 162, item 1118, as amended, and of 2002, No. 74, item 676)

The Regulation of the Minister of Labor and Social Policy of December 24, 2002 on detailed rules and procedures for recognizing an incident as an accident on the way to or from work, the manner of its documentation, the template of an accident sheet on the way to or from work, and the deadline for its preparation. (Journal of Laws [Dz. U.] of December 30, 2002).

Consequences of the incident: for the employee/for the employer

An employee who suffered an accident may file a lawsuit in labor court for recognition of the incident as an accident on the way from work and, based on a favorable judgment, obtain the right to benefits under the Act on pensions from the Social Insurance Fund.

Post-accident benefits

1. *One-time compensation*

Description of the incident

I suffered an accident at work and filed a claim with my employer for one-time compensation. I believed that the employer would compensate me immediately after approving the post-accident report. However, the employer claims to have more than 20 employees, so I will receive compensation from the Social Insurance Institution only after the post-accident documentation is sent to the Social Insurance Institution.

Errors

The employee is incorrect to claim that the one-time compensation should be paid out to him by the employer.

Rules of proper conduct

The benefits and rehabilitation benefit from accident insurance are paid out by workplaces, which also determine the employee's right to obtain them if they are obliged to do so in the case of sickness and maternity; i.e., if they hire at least 20 employees. In other cases, it is the Social Insurance Institution that is responsible to perform such tasks.

The granting or denial of one-time compensation and the determination of its amount is made by decision of the Social Insurance Institution. The decision is issued by the Social Insurance Institution within 14 days of receipt of the medical certificate issued by a medical examiner or a medical commission and clarification of the last circumstance necessary to issue the decision. The assessment of the degree of health impairment and its connection with an accident at work or an occupational disease is carried out by a medical examiner of the Social Insurance Institution after the completion of treatment and rehabilitation.

If, as a result of the decision, the right to one-time compensation and its amount have been established, the company shall pay the compensation out ex officio within 30 days from the date of the decision. A decision issued to the detriment of a person entitled to benefits for an accident at work may be appealed in accordance with the procedure and rules set forth in the regulations on the social insurance system, to the labor and social insurance court. The appeal is filed through the Social Insurance Institution unit that issued the decision.

Proceedings for payment of one-time compensation are therefore held before the relevant field unit of the Social Insurance Institution, and the employer only completes documentation related to the accident at work.

What laws have been broken?

Article 10 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases (Journal of Laws [Dz. U.] No. 199, item 1673)

Consequences of the incident: for the employee/for the employer

If the employer has correctly completed the post-accident documentation and forwarded it to the Social Insurance Institution's competent field unit, the employee should await the determination of the degree of impairment by the Social Insurance Institution's medical examiner and, as the next step, the decision determining the amount of one-time compensation. The amount of one-time compensation is determined on the basis of the average remuneration in effect on the date of the decision of the Social Insurance Institution. In the case of a decision issued by the Social Insurance Institution against the employee, he has the right to appeal to the labor and social insurance court, through the Social Insurance Institution's unit that issued the decision.

2. *One-time compensation for the employee's death*

Description of the incident

An employee suffered a fatal accident at work. The employer was approached by the deceased employee's ex-wife raising a minor child who claimed that they were entitled to one-time compensation after the deceased employee. The employer concluded that no compensation was due, as the employee did not share a household with his ex-wife.

Errors

The employer incorrectly concluded that there were no family members entitled to accident insurance benefits.

Rules of proper conduct

Family members of the insured who died as a result of an accident at work or occupational disease are entitled to one-time compensation. The compensation is also available in the event of death due to an accident at work or occupational disease of a pensioner who was entitled to an accident insurance pension.

Family members entitled to compensation are the spouse, own children, children of the other spouse, adopted children, and grandchildren, siblings, and other children adopted for upbringing and maintenance before coming of age, including within the framework of a foster family, meeting the conditions for obtaining a survivor's pension on the date of death of the insured or pensioner, and parents, adopters, stepmother and stepfather if on the date of the death of the insured or pensioner they were running a joint household with him or if the insured or pensioner immediately before his death contributed to their upkeep, or if the right to maintenance from his side was established by a judgment or court settlement.

One-time compensation is not available to a spouse in the event of a declared separation, much less a former spouse, after a divorce.

If only one member of the family of the deceased insured or pensioner is entitled to one-time compensation, it is due in the amount of 18 times the average remuneration in case the entitled persons are a spouse or a child.

Therefore, it should be assumed that the child of the deceased employee will be entitled to accident insurance benefits.

What laws have been broken?

Article 13, Article 14 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases (Journal of Laws [Dz. U.] No. 199, item 1673)

Consequences of the incident: for the employee/for the employer

The employer is obliged to familiarize the family members entitled to benefits after the deceased employee with the post-accident report. The mother, as the legal representative, acts on behalf of the minor child, so it is up to her to submit the post-accident report as well as to complete the documentation to the Social Insurance Institution in order to obtain one-time compensation. If the employer fails to meet his obligations under the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases, the ex-wife should file a lawsuit in court.

3. *Compensatory benefits*

Description of the incident

An employee caused a traffic accident while under the influence of psychotropic substances. Such findings were made in the post-accident report based, among other things, on the findings of the police. Four months after the employer's approval of the report for determining the circumstances and causes of the accident, the employee raised objections to the report, claiming that the state under the influence of the drug did not affect his driving ability. The reason standing behind his actions was the Social Insurance Institution's refusal to pay out compensation benefits.

Errors

The employee may file objections to the report for determining the circumstances and causes of the accident before the report is approved. Further proceedings in a case for the payment of the benefit are conducted by the Social Insurance Institution. In the case of a decision issued by the Social Insurance Institution against the employee, he has the right to appeal to the labor and social insurance court, through the Social Insurance Institution's unit that issued the decision.

Rules of proper conduct

According to Article 21, paragraph 2 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases, accident insurance benefits are not available to an employee who, while under the influence of intoxicants or psychotropic substances, significantly contributed to causing an accident.

Such determinations are made by a post-accident team in a report for determining the circumstances and causes of an accident. The post-accident team's finding that the injured was under the influence of alcohol or under the influence of intoxicants or psychotropic substances at the time of the incident additionally requires a determination of whether this condition significantly contributed to causing the accident. If there is a reasonable suspicion that the employee was in a state of intoxication, under the influence of intoxicants or psychotropic substances, the employer should refer the employee to the examination necessary to determine the content of alcohol, intoxicants or psychotropic substances in the body. The employee is obliged to submit to such an examination. Refusal to submit to an examination or other behavior that prevents the examination will result in exclusion from entitlement to benefits, unless the injured proves that there were reasons that prevented submission to the examination. The examination is not required if the employer obtained the results of a blood test in connection with a traffic accident caused by the injured.

What laws have been broken?

Article 21, paragraph 2 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases (Journal of Laws [Dz. U.] No. 199, item 1673)

Consequences of the incident: for the employee/for the employer

The employer is obliged to complete the post-accident documentation in order for the employee to obtain a disability pension. If the employer fails to meet the obligations under the Act of October 30, 2002 social insurance against accidents at work and occupational diseases, the employee should file a lawsuit in court.

4. *Disability pension*

Description of the incident

An employee started work on February 1, 2009. On March 5, 2009, he suffered an accident at work. It was his first job. As a result of a serious accident at work, he partially lost his ability to work. The personnel officer provided him with information that he would not be entitled to disability benefits because he did not have the required contribution periods.

Errors

The Personnel officer incorrectly assumed that in order for the employee to obtain accident insurance disability benefits, the Social Insurance Fund pension rules apply.

Rules of proper conduct

The employee who has suffered an accident at work is entitled to social insurance benefits. A disability pension is due to the insured who became unable to work as a result of an accident at work. The right to a pension is granted by the Social Insurance Institution based on documentation submitted by the contribution payer. Pursuant to Article 17, paragraph 1 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases, when determining the right to disability benefits under accident insurance, the provisions of the Act on pensions and disability benefits from the Social Insurance Fund shall apply accordingly. However, it should be remembered that benefits for an accident at work are due regardless of the length of the period of accident insurance and regardless of the date on which the inability to work caused by an accident at work or an occupational disease arose. Disability pension from accident insurance may not be less than 60% of its base — for a person who is partially unable to work.

What laws have been broken?

Article 17, paragraph 1 and 2 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases (Journal of Laws [Dz. U.] No. 199, item 1673)

Consequences of the incident: for the employee/for the employer

The employer is obliged to complete the post-accident documentation in order for the employee to obtain a disability pension. If the employer fails to meet the obligations under the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases, the employee should file a lawsuit in court.

5. *Survivor's pension*

Description of the incident

An employee suffered a fatal accident at work. Previously, he had an established right to a disability pension from the Social Insurance Fund. The deceased employee was left with a wife entitled to a survivor's pension. At the establishment, she was provided with information that she was not entitled to an accident insurance pension as alcohol was found in the deceased employee's blood, and he was also entitled to a pension from Social Insurance Fund. Therefore, the employer did not prepare any post-accident report.

Errors

It was incorrectly concluded that an established right to a pension from Social Insurance Fund precludes the right to survivor's pension from an accident insurance. In addition, the content of alcohol in the blood alone also does not preclude the right to benefits for the family of a pensioner who died as a result of an accident at work.

Rules of proper conduct

In case of death of an employed pensioner, the employer should also prepare a post-accident report. Pursuant to Article 17, paragraph 6 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases, a survivor's pension from accident insurance is also payable in the event of death as a result of an accident at work or occupational disease of a pensioner entitled to a disability pension.

Survivor's pension from accident insurance may not be less than 120% of the amount of the lowest corresponding pension determined and increased in accordance with the Act on pensions from the Social Insurance Fund.

The right to a survivor's pension is not limited by the fact that the employee was under the influence of alcohol at the time of the accident.

Pursuant to Article 21, paragraph 2 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases, accident insurance benefits are not available to an insured person who, while intoxicated, contributed significantly to causing an accident. The position on this issue was taken, among others, by the Court of Appeals in Białystok, judgment of 28.06.2007, III AUa 1502/06, OSAB 2007/2/52, in which it recognized that, in accordance with Article 17, paragraph 5 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases (Journal of Laws [Dz. U.] No. 199, item 1673), a survivor's pension from accident insurance is due to eligible family members of the insured who died as a result of an accident at work, even if he was in an intoxicated state at the time of the incident, if he did not contribute to the occurrence of the accident.

What laws have been broken?

Article 17, paragraph 1 and 2 of the Act of October 30, 2002 on social insurance against accidents at work and occupational diseases (Journal of Laws [Dz. U.] No. 199, item 1673)

Consequences of the incident: for the employee/for the employer

The family of the deceased employee may demand that the circumstances and causes of the accident at work be determined in the post-accident report, may make comments and objections to the report, and may also file a lawsuit

in the labor court for the formulation of a post-accident report and, on this basis, obtain the right to a survivor's pension.

ERGONOMICS IN SHAPING WORKING CONDITIONS

Ergonomics is an interdisciplinary science that focuses on the adaptation of tools, machines, environment, and working conditions to anatomical and psychophysical characteristics and capabilities of humans, ensuring efficient, productive, and safe performance of their work at a relatively low biological cost.

Taking into account the principles of ergonomics, both in the design phase and operation of facilities, workstations, machinery, and technical equipment is underestimated and neglected. Failure to follow the principles of ergonomics can cause adverse effects:

- physiological, resulting from , e.g., harmful working positions, excessive or repetitive exertion,
- psychophysical, which are caused by excessive mental strain, stress, etc., arising, e.g., when operating, supervising, or performing maintenance of a machine, providing services to customers, clients.

The workstation, including machinery and equipment together with its surroundings, should be adapted to the autonomous and psychophysical characteristics as well as the capabilities of a given employee, his or her needs and expectations, ensuring efficient, productive, and safe performance of his or her work. A reverse situation should never occur, i.e., the employee should never have to adapt to the workstation and its surroundings.

If possible, the performance of static work should be avoided. During work, the muscles that remain immobilized in a state of tension become more fatigued than the ones that moved freely.

It is important to remember to significantly reduce energy losses during office work by organizing the workstation with the principles of ergonomics included. While it is not possible to completely exclude static load in office work, it is possible to significantly reduce it by providing, e.g., ergonomically compliant seats, tables, desks, forearm rests, leg rests, etc.

OCCUPATIONAL SAFETY AND HEALTH AT WORKSTATIONS EQUIPPED WITH SCREEN MONITORS

A workstation is a work space together with means and objects of work. An example of a workstation in terms of applying ergonomic solutions is a computer workstation.

The equipment of such a workstation consists of a computer with peripherals, which include, e.g.:

- screen monitor, i.e., any device used to display information in alphanumeric or graphic mode, regardless of the method used to obtain an image,
- keyboard,

- mouse,
- printer,
- scanner,
- desk or table,
- chair,
- footrest,
- document holder.

Monitor

- the characters on the monitor screen should be clear and legible, and the image should be stable and ripple-free,
- adjustments of the monitor setting should allow the screen to tilt at least 20º backward and 5º forward as well as rotate around its axis by at least 120º — 60º in both directions,
- glare and screen reflections should be reduced by using appropriate lighting fixtures, installing blinds or curtains in windows,
- the screen should be covered with an anti-reflection layer or fitted with a suitable filter,
- the monitor screen should be positioned transversely to the windows at a distance of 1 meter,
- the distance between the employee's eyes and the screen should range from 40 and 75 cm,
- the distance between adjacent monitors should equal at least 60 cm, and between the employee and the back of the adjacent monitor should equal 80 cm as the back of the monitor produces an electromagnetic field. If such distance cannot be maintained, plywood, lead glass, and plexiglass office screens should be implemented to stop radiation.

Seat

- a chair being part of the equipment of a workstation should provide sufficient stability through at least a five-support base with movable wheels,
- the dimensions of the seat and backrest should provide a comfortable body position and freedom of movement,
- the seat adjustment should remain in the range of 40 to 50 cm, measuring from the floor,
- the backrest height and tilt adjustment should range between 5º forward and 30º backward,
- the chair should be able to rotate around its own axis by 360º and include armrests.

Table

- the design of the table should allow convenient positioning of workstation equipment elements,
- the width and depth of the table should provide sufficient surface area so that workstation equipment elements can be easily handled,
- the keyboard should be placed min. 10 cm from the front edge of the table,
- the top edge of the monitor should not exceed eye level, the remaining equipment should stay within the appropriate distance from the employee, i.e., within arm's reach, without assuming forced body positions.

The height of the table and the seat of the chair should be determined so as to provide:

- the natural position of the hands, ensuring that the right angle between the arm and forearm is maintained when using the keyboard,
- adequate space for placing the legs under the tabletop,
- the tabletop itself should be light in color and matte (to reduce glare and reflection).

Footrest

At the request of the employee, and when the height of the chair prevents the employee from resting his or her feet flat on the floor, the workstation should be equipped with a footrest that:

- should provide an inclination angle of 0-15º,
- should feature a non-slippery surface,
- should not slide on its own.

Harmful and dangerous agents

Monitors produce an electromagnetic field (induced by currents and voltages of different frequency bands). In addition, screen monitors also emit ultraviolet radiation and ionizing radiation. However, due to their low levels, there is no need to specifically limit employees' exposure, and there is no justification for measuring electromagnetic fields at such workstations.

Whereas arduous agents include:

- Inadequate lighting,
- Flickering of the image on the screen,
- Lack of sharpness and color blur,
- Improper arrangement of computer workstations,
- forced body position,
- noise,
- improper microclimate, i.e., air humidity should not drop below 40%.

Musculoskeletal ailments

Surveys and observations show that employees most often complain of lumbar and cervical back disorders, which are also characterized by the highest intensity. The reasons for the frequent appearance of that kind of back ailments include, e.g., insufficient knowledge among the employees about the ergonomics of a workstation with screen monitor. A clear example is that most people obtained information on ergonomic issues from friends or through observation of other computer workstations. This, in turn, means that conclusions drawn on the basis of one's own unverified observations usually do not coincide with what ergonomics experts and health and safety inspectors recommend. To make matters worse, the erroneous assumptions apply to even the most basic rules for using computer equipment at the workstation. A clear example of this, among others, is the employee's ignorance regarding the monitor height setting — as many as 45% of them mistakenly believe that the top edge of the monitor should exceed eye level.

The employees' knowledge regarding work requirements, healthy posture, and other important principles of ergonomics is often not reflected in their behavior and habits. For example, although the vast majority of the employees believed that the back should be supported by the backrest, less than half did so.

The employees should realize one very important thing — ergonomic working conditions are influenced not only by a properly equipped computer workstation, but, above all, by adequate knowledge and experience of a given person. To a large extent, it is the employees themselves who determine the likelihood of future musculoskeletal ailments.

For this reason, the involvement of ergonomists and occupational health and safety services in improving employees' knowledge of ergonomics at a computer workstation is of great importance.

Basic principles to consider when working with the use of a computer

- ventilate the rooms where the computer is located on a daily basis,
- clean the monitor screen with electrostatic fluid as needed/not less than once a week/,
- alternate between work involving the use of a screen monitor and other work that does not strain the eyes and is performed in other body positions — not exceeding one hour of uninterrupted work at a screen monitor, or take a break of at least five minutes, included in working time, after each hour of work at a screen monitor.

WORK ROOMS

A work room is a room intended for the employees to stay in and perform their work. These rooms and their equipment should provide the employees with safe and hygienic working conditions.

They are divided into the following types:

- permanent work rooms — these are work rooms in which the total time spent by the same employee in a single 24-hour period exceeds 4 hours,
- temporary work rooms — these are rooms in which the total time spent by the same employee in a single 24-hour period ranges from 2 to 4 hours.

Work rooms should be adapted to the type of work performed, the technologies used, the number of employees, and the amount of time the employees spend in them. These rooms and their equipment should ensure safe and hygienic working conditions. In particular, the employer is obliged to ensure adequate:

- volume of the rooms,
- height of the rooms,
- natural and artificial lighting,
- internal temperature,
- air exchange,
- protection against humidity,
- protection against arduous sounds and vibrations,
- protection against harmful fumes, gases, dust, and radiation,
- conditions for efficient evacuation.

work room area and height

There should be at least 13 m^3 of free room volume and at least 2 m^2 of free floor space (unoccupied by machinery and other workstation equipment) ensured for each employee simultaneously employed in a permanent work room.

The clear height of permanent work rooms may not be less than 3 m if there are no agents harmful to health present and there are more than 4 people inside.

Work room lighting

If technological considerations do not prevent it, each permanent work room should be lit by daylight. To use electric lighting in such a workroom as the only source of light, the employer should obtain the approval of the territorially competent State Regional Sanitary Inspector issued in consultation with the territorially competent District Labor Inspector. An adequate number of windows is required in the work rooms, depending on the type of work performed in the room. The ratio of the window area (calculated in the clearance of the frames) to the floor area must not be less than 1 to 8. Daylighting at individual workstations should meet the requirements specified in the Polish Standard.

Regardless of daylighting in administrative and office work rooms, electric lighting should be provided with an intensity of min. 500 lx., adapted to the types of work performed and the required accuracy, in accordance with the requirements of the Polish Standard.

Ventilation and heating

Adequate air exchange should be provided in all work rooms by using natural or mechanical ventilation or a combination of both. The number of air exchanges depends on the size of the room, the number of people located in it, and the type of work being performed. The air stream coming from the supply ventilation equipment must not be directed right at the workstation.

It is necessary to ensure that the temperature in the work rooms is adequate to the type of work performed (work methods and physical effort required to perform the work). However, it cannot be lower than 14°C (287K).

In work rooms where light physical labor is performed as well as in office spaces, the temperature cannot be lower than 18°C (291K).

Hygienic and sanitary premises

The employer is obliged to provide the employees with hygienic and sanitary rooms and facilities, the type, number, and size of which should be adapted to the number of employees hired, the technologies used, and the types of work and the conditions under which this work is performed. These rooms and facilities should be located in the building in which the work is performed, or in a building connected with it by an enclosed passageway, which in the case of passage from heated work rooms should also be heated. Hygienic and sanitary rooms should be heated, lit, and ventilated.

The clear height of hygienic and sanitary rooms should not be less than 2.5 m. It is permissible to reduce the clear height of hygienic and sanitary rooms to 2.2 m — if they are located in the basement, cellar, or attic.

The employer is obliged to maintain hygienic and sanitary rooms and the equipment therein in a condition that ensures safe and hygienic use by the employees.

The floor and walls of these rooms should be made in a way to make it possible to easily maintain their cleanliness. The walls of the rooms up to a height of at least 2 m should be covered with smooth, non-absorbent and moisture-resistant materials. In the washrooms and shower rooms , insulating pads (platforms) should be laid on the floors made of materials with high heat conductivity.

Locker rooms, washrooms, shower rooms, and toilets should be arranged separately for men and women. This does not apply to a workplace with up to ten employees per one shift — on condition that separate use of these rooms by men and women is possible.

The employer who hires up to twenty employees should provide them with at least toilets and washbasins as well as conditions for the hygienic storage of clothing — personal (household), work, and protective one — and for the hygienic consumption of meals.

If there are no agents harmful to health and works to perform that involve getting dirty in the workplace of such an employer, or if there are no special sanitary requirements, then places for eating, clothing storage, and washrooms may be located in a single room.

An employer who hires employees with disabilities should ensure that hygienic and sanitary facilities, as well as access to them, are adapted to the needs and capabilities of such employees resulting from their reduced mobility, in accordance with technical and construction regulations.

Washrooms and shower rooms

For every thirty men or every twenty women simultaneously employed in office work or in conditions similar to such work, there should be available at least one washbasin with access to hot and cold running water. These should be installed in toilet rooms or in their isolation vestibules.

Toilets

Toilets should be located at a distance of no more than 75 m from the workstation. The distance may be greater only for the employees working continuously in an open space, but should not exceed 125 m from the farthest workstation.

In buildings, toilets should be arranged on each floor. If there are less than ten people working on a given floor, toilets may be located no farther away than on an adjacent floor. Entrances to toilets should lead directly from rooms, corridors, or pathways used for general communication.

For employees working outdoors for a period of not more than 3 months and employed in buildings not equipped with a water supply and sewage system, toilets equipped with leak-proof holding tanks may be arranged.

There should be at least one toilet bowl and one urinal for every thirty men employed per shift, but no less than one bowl and one urinal in case of a smaller number of employees. There should be one toilet bowl for every twenty women employed on one shift, but no less than one bowl in case of a smaller number of employees.

Dining rooms

An employer hiring more than twenty employees on one shift should provide the employees with a room for eating, hereinafter referred to as a "dining room." This provision does not apply to workplaces where work of a purely clerical nature is performed. The obligation to arrange a dining room also applies to employers hiring twenty or fewer employees if they are exposed to harmful chemical or radioactive substances as well as biologically infectious materials, or if they perform works that involve getting particularly dirty.

In the dining room, signs or inscriptions should be placed in conspicuous places indicating that smoking is prohibited.

The dining room should have at least 1.1 m^2 space for each employee eating at the same time. The area of the dining room should not be less than 8 m^2.

Each employee should be provided with an individual seat at the table to eat in the dining room.

Rest areas

In a workplace employing more than twenty women per shift in a single building, a room with places to rest in a lying position for pregnant women and breastfeeding mothers should be arranged, assuming at least one such a place for every three hundred women employed per shift, but not less. The area of the room must not be less than 8 m^2.

Rooms intended for rest should have the air changed at least twice an hour.

AMENDMENTS TO THE ACT ON PROTECTION OF HEALTH FROM THE CONSEQUENCES OF TOBACCO USE

The Act on protection of health against the consequences of tobacco use and tobacco products introduced a ban on smoking tobacco products:

- on the premises of health care facilities and in the rooms located in other facilities where health services are provided,
- on the territory of organizational units of both the educational system the social welfare,
- at the university,
- in the premises of workplaces,
- in the premises of cultural and leisure facilities for public use,
- in food and entertainment establishments,
- in the means of public passenger transportation and in passenger service facilities,
- at public transportation stops,
- in the premises of sports facilities,
- in publicly accessible areas intended for children's play,
- in other premises available for public use.

It is the responsibility of the owner or the operator of the facility to prohibit smoking in the places referred to above, and it is possible that these entities designate a smoking room in the workplace rooms, with the exception of the premises of health care facilities and of other facilities in which health services are provided. Organizational units of both the educational system the social welfare.

"Smoking room" — a room structurally separated from other rooms and passageways that is appropriately marked and used exclusively for smoking tobacco products, equipped with an exhaust mechanical ventilation or filtration system in such a way that tobacco smoke does not penetrate other rooms.

Criminal liability

Anyone who smokes tobacco products in the areas covered by the bans specified is subject to a fine of up to PLN 500.

PROVIDING ASSISTANCE — PRE-MEDICAL FIRST AID

First aid consists of basic activities performed before the arrival of a medical practitioner, emergency medical services, or other qualified persons aimed at saving the health or life of people who have been injured or suddenly become ill.

The main objectives of providing first aid assistance are:

- protection of human life,
- limiting the effects of injury or illness, preparing for further medical treatment.
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NOTE:

The legal obligation to provide first aid assistance is set forth in Article 162 of the Penal Code, which reads in full:

1. Article 1 Whoever fails to render assistance to a person who is in a situation threatening an immediate danger of loss of life, serious bodily injury, or serious impairment thereof, when he so do without exposing himself or another person to the danger of loss of life or serious harm to health shall be subject to the penalty of deprivation of liberty for up to 3 years.

2. Article 2 Whoever does not render assistance necessitating the submission to a medical operation, or under conditions in which the prompt assistance of a responsible authority or person is possible, shall be deemed to have not committed an offense.

Cardio-Pulmonary Resuscitation

Cardio-pulmonary resuscitation (CPR for short) — a set of procedures of which task or effect is to restore the basic signs of life, i.e., at least blood circulation or blood circulation and respiration. It is also called basic life support (BLS).

Begin the rescue operation with assessing the scene for safety. Check that both you as the rescuer and the injured person are in no danger. If there is no situation that threatens your life and safety (e.g., fire, escaping gas, etc.), look around to see if there are sharp objects under the injured person, e.g., glass or other things that can lead to further injuries.

- Gently shake the injured person by both shoulders, ask him or her a question, e.g.,"Can you hear me?",
- Call for help (it is advisable to address a specific person to clearly define responsibility),
- Establish an airway by tilting the head back, holding the injured person's forehead with one hand and the jaw with the other,
- Check breathing for 10 seconds with your senses of hearing, touch, and sight.

If the injured person is not breathing

Call **112** (pan-European emergency number) or **999**, CALL FOR HELP! (Dialing **112** from any phone should connect you toa Public Safety AnsweringPoint(PSAP):

- 30 chest compressions,
- 2 breaths + 30 compressions,
- In children and infants: 30 compressions + 2 breaths (with 5 breaths prior to compressions),
- In children, infants, drowning persons, and hanging persons, after checking for breathing, perform 5 "breaths of life," and remember about the intensity of the compressions — in children, perform them with one hand only, in infants — with two fingers.

Once the resuscitated person has regained normal breathing, his or her vital signs should be monitored until professional help (such as emergency services) arrives. Pay attention to keep the injured person's head tilted (cleared airway). Place the injured person in the fixed lateral position (safe position) only when you need to leave him or her alone, e.g., to call for help.

Comments:

CPR shall be discontinued if:

1. The rescuer is exhausted,
2. The injured person regains vital functions,
3. Professional help takes the patient over,
4. Someone else is be able to assume the role of a rescuer.

Do not perform CPR on a soft surface (a bed, a mattress).

Do not check the heart rate (as recommended in past guidelines).

Never check breathing by putting a mirror / phone to the injured person's mouth (all it takes is a change in temperature for it to fog up).

When you suspect a spinal injury, if you know how to do it, clear the airway by thrusting the injured person's jaw (Esmarch's maneuver). As a last resort, a slight tilt of the head is allowed.

If two or more rescuers are present at the scene of an accident, the **same rescuer** should perform a complete set of breaths and compressions in a given series. In such a situation, the person conducting CPR should change every two minutes (approximately five series of compressions).

When performing compressions, remember to keep your arms straight at the elbow joints.

If you do not want to perform full CPR (e.g., you lack protective equipment — artificial respiration masks), it is allowed to perform only chest compressions without rescue breaths.

Procedure in case the injured person is wearing a helmet on his or her head

If the injured person is a motorcyclist, the helmet is removed only if it is absolutely necessary (e.g., he or she is not breathing, vomiting). The helmet should be removed by two persons — one slips his or her fingers under the helmet, supports the neck, and firmly holds the head and lower jaw (on both sides) with the other hand with his or her fingers spread. The second person tilts the injured person's head backward and gently slides the helmet over the chin, and removes the helmet entirely while the other person continues to hold the injured person's neck.

Basic steps in resuscitation

The goal of basic resuscitation (BLS — Basic Life Support) is to ensure circulation and breathing until a team of professional rescuers arrives to begin saving the injured person's life with advanced resuscitation procedures (ALS — Advanced Life Support).

Irreversible changes in the brain of the injured person kept under normal thermal conditions begin after just 4–6 minutes of hypoxia, and changes in the heart appear after 15–30 minutes. That's why it's so important to provide help to the injured person as soon as possible after respiratory/circulatory arrest!

- **A** — **airways** — clear the injured person's airways and ensure access to air,
- **B** — **breathing** — provide the injured person with "a breathe" — if he or she is not breathing, proceed with artificial respiration,
- **C** — **circulation** — provide the injured person with "circulation" — if you do not feel the pulse, proceed to cardiac massage.

Artificial respiration

Artificial respiration is performed in situations where the victim is found to be apneic. Two basic methods of restoring breathing, described below, are used to perform it. The goal of this procedure is to prolong the injured person's vital functions or even stimulate his or her own breathing through a "replacement breath."

Mouth-to-nose method

Provides better sealing, reduces the risk of gastric distension and inducing vomiting
Proceedings:

1. Tilt the patient's head with one hand, placing it on his or her forehead. Place the other hand under the patient's chin, closing his or her mouth at the same time.
2. Take a deep breath in, put your mouth around the patient's nose, and blow the air firmly,
3. Open the patient's mouth at the end to facilitate the escape of air.

Mouth-to-mouth/mouth-to-nose method

Proceedings:

1. Pull the patient's head back, placing one hand on the patient's forehead and grabbing his or her jaw with the other,

2. Take a deep breath in, put your lips tightly around the patient's mouth (in children — mouth and nose). Blow the air as if you were breathing yourself, while holding the patient's blocked nose with your thumb and index finger,

3. At the end, release the patient's mouth. Listen to see if the air is escaping and watch the injured person's chest movements.

Proper ventilation is evidenced by **chest movements**! If the chest does not move, and the abdominal area is distended, it means that the air is entering the stomach instead of the lungs. This may provoke vomiting. It indicates that most likely the head has not been bent back enough and the drooping tongue is obstructing the airway.

Cardiac arrest

Cardiac arrest within 10-15 seconds leads to unconsciousness.
Symptoms:

- lack of pulse on large arteries (such as the carotid). According to current standards of conduct, when performing basic resuscitation , one does not check the pulse, but only looks for the signs of it,

- loss of consciousness,

- gasping or apnea, the presence of "fish breathing,"

- the bluish or pale skin.

The rules of cardiac massage:

- The patient should always be placed on his or her back, necessarily on a firm surface,

- The patient must be ventilated during cardiac massage,

- The latest guidelines do not recommend a lengthy search for a suitable body area to perform compressions,

- Place your hands in the middle of the patient's chest and perform the massage there,

- To compress and perform cardiac massage effectively for a long enough time , the rescuer has to keep his or her hands straight. The compression is a result of leaning the weight of one's body on the sternum.

- When releasing the compression, do not pull your hands away and do not change their position.

Striking the precordial chest with a fist

The precordial chest thump is intended to replace the first defibrillation. It is performed in the same area where the cardiac massage is performed, with a hand clenched into a fist, with a fairly large force from a height of about 20 centimeters. The use of precordial chest thump is justified only in cases of visible cardiac arrest in ventricular fibrillation.

The following conditions must be met in order to apply a precordial chest thump:

- the patient is connected to a cardiac monitor at all times,

- cardiac arrest has been noticed immediately after its onset and confirmed by medical personnel (nurse, medical practitioner, or any other medical staff member present at the patient's side),

- the thump will be performed within a maximum of 10 seconds after the onset of ventricular fibrillation.

As the above indicates, precordial chest thump can be performed in practice only and exclusively in hospital wards or in the operating theater. In any other case, resuscitation begins with checking for consciousness, breathing, and indirect cardiac massage.

Monitoring effectiveness

Resuscitation is effective if the following symptoms appear:

- the rise and fall of the chest in line with ventilation,
- pulse on large arteries,
- skin blushing.

Automated external defibrillator (AED)

Nowadays, automatic external defibrillators (AEDs) are starting to appear more often in crowded places. They are designed to guide an inexperienced rescuer with the use of voice commands through the defibrillation process. They are able to independently diagnose the patient and then suggest the most suitable course of action. When using them, it is important to remember that:

- the electrodes should be positioned so that the heart is situated between them (with one electrode placed on the right side of the sternum, under the right clavicle, and the other placed in the mid axillary line, at the level of the heart apex),
- it is recommended to use pediatric electrodes or an AED adapted for children in case of children aged 1-8 years (in the absence of such, a model for adults can be used),
- in case of children under 1 year of age, it is advisable to check in the device's manual whether it is safe to use it on them.

Wounds

A wound is a break in the continuity of skin tissue or mucous membranes. The extent and depth of wounds depends on the type of injury, its severity, and the body area exposed to the external agent.

Wounds are caused by:

- mechanical factors that cause incised wounds, chop wounds, stab wounds, contused wounds, gunshot wounds,
- thermal factors that cause burns and frostbite,
- chemical agents that cause chemical burns, necrosis or dissolution of tissues,
- electrical factors that cause burns and charring of tissues.

First aid in case of wounds:

- stopping hemorrhage (in case of heavy bleeding),
- securing the wound with a sterile dressing (put sterile gauze directly on the wound),
- bandaging the entire wound with a knitted bandage,
- immobilization (if the wound is large and involves a limb),
- placing the wounded in the anti-shock position to prevent the development of post-traumatic shock,
- controlling the vital signs of the wounded (breathing and pulse),
- providing the wounded with thermal and psychological comfort,
- controlling the pulse rate below the area where the dressing was placed,
- if the dressing gets soaked, apply another layer of absorbent material, fixing it with a bandage.

NOTE:

- **do not put cotton wool, lignin, tissues, etc., on the wound,**
- **do not touch the wound with your fingers or any non-sterile objects,**
- **do not remove foreign objects stuck in the wound,**
- **do not rinse the wounds,**
- **do not remove the soaked dressing.**

Hemorrhages

The cause of hemorrhage is the interruption of blood vessels and the outflow of blood in its full composition. Hemorrhages are divided into external ones, which are visible to the naked eye, and internal ones

— which are invisible.

A hemorrhage into body cavities or tissues is always difficult to assess. A life-threatening situation emerges when hemorrhagic shock occurs. Its characteristics include an accelerated heart rate, a drop in blood pressure, motor agitation, and mental confusion.

First aid in case of **external** hemorrhage:

- laying the wounded flat,
- temporary stoppage of hemorrhage by elevating the injured limb, direct pressure with hand on the bleeding area (if possible — through a sterile dressing material),
- placing a tourniquet with a thick bandage on the wound to stop bleeding,
- observing the patient and the appearance of the dressing, improve the soaking dressing by adding dressing material and pressing it to the wound with enough force to inhibit deep circulation,
- implement anti-shock measures.

Anti-shock measures:

- ensure airway patency,
- place the wounded in the fixed lateral position. In this position, the wounded can stay safely for up to two hours, after which he or she should be turned to the other side,
- transport the injured to the hospital.

First aid in case of **internal** hemorrhage:

- positioning the wounded in the most comfortable position that facilitates his or her breathing,
- cooling the presumed bleeding area with, e.g., a bag with ice,
- conducting continuous observation of the wounded,
- providing the wounded with professional medical assistance.

Fractures and dislocations

A fracture is a break in the continuity of bone tissue. Fractures are **divided** into:

- closed ones — when the skin around the broken bone is intact,

- open ones — when the continuity of the skin is interrupted and the bone can be exposed to contaminants from the skin surface and air.

The symptoms of a fracture or dislocation include:
- pain occurring immediately after sustaining the injury,
- limitation or loss of mobility,
- distortion,
- swelling.

The causes of fractures include:
- striking,
- smashing,
- falling,
- crushing,
- gunshots.

A dislocation is an injury to a joint in which the surfaces of the bones that make up the joint have lost contact with each other. The dislocated joint becomes deformed, and severe pain, swelling, bruising, and inability to move the joint appear.

First aid in case of fracture and dislocation

- the damaged area should be exposed by cutting or ripping part of the clothing only if there is a suspicion of the appearance of a wound,

- if it is an open fracture, any bleeding should be stopped and a sterile dressing should be placed on the wound (in the form of a sterile gauze pad placed directly on the wound so as not to press the broken bone or its fragments),

- immobilize the injured segment of the limb (by immobilizing at least two adjacent joints, i.e., located above and below the fracture),

- provide the wounded with thermal and psychological comfort,

- control the pulse as well as the color and the appearance of the fingers on the injured limb, together with the vital sings of the wounded,

when performing immobilization of the lower limbs it is imperative to fill the space between them
- call for an ambulance.

NOTE:

- **do not check the mobility degree of the limb,**

- **do not correct misaligned limbs,**

- **do not adjust the injured limb.**

Burns

A burn is a damage to the skin and underlying tissues due to high temperature, chemical substances, ionizing radiation, or electric current.

Depending on the damaging factor, **burns are divided into**:

- thermal,
- chemical,
- post-radiation,
- electric.

Thermal burns

The severity of the burn and its impact on the body of the wounded is determined by the degree of the burn and the area of its occurrence. There are four degrees of thermal burns:

- **1st Degree** — its symptoms include redness of the skin, erythema, swelling, and a burning sensation. First aid consists of cooling the burned area.

- **2nd Degree** — blisters with yellowish lymph fluid appear on the reddened and swollen skin, accompanied by sharp pain. First aid consists of cooling the burned area and applying a sterile dressing. Blisters must not be punctured.

- **3rd Degree** — is characterized by full-thickness skin necrosis as well as damage to deeper tissues (muscles, tendons), with erythema and blisters appearing on the skin. First aid consists of cooling, disinfecting, applying a sterile dressing, administering analgesics, and transporting the injured to the hospital without delay.

- **4th Degree** — its symptom consist of erythema, blisters, a wound with necrosis, charring. Fourth degree burns cause complete destruction of the skin and underlying bones and muscles.

Chemical burns

Chemical burns appear as a consequence of concentrated acids, alkalis (lyes), salts, and other chemical substances penetrating the skin. The depth and size of the damage depends on the type of substance, concentration, temperature, and duration of such penetration. Chemical substances, such as phenol and mercury salts, can additionally cause general poisoning due to them being absorbed by the body. Acid burns (usually caused by sulfuric or hydrochloric acid) cause dry scabs of various colors on the skin, which are formed as a result of protein coagulation. Lye burns are most often the result of caustic soda, potassium hydroxide, or slaked lime penetrating the tissue. A soft, moist scab of a whitish color appears on the skin as a result of protein dissolution and deep tissue damage.

First aid consists of immediately washing off the harmful substance with water (except for burns with slaked lime), followed by washing the burned area with a neutralizing agent. In case of acid burns, these include more dilute solutions, such as sodium bicarbonate 3% solution, and in case of alkalis burns — more dilute acid solutions, such as boric acid 3% solution.

First aid in case of burns

- in case of all types of burns, the first step is to remove the injured from the exposure to the damaging agent,

- immediately cool the burned area with water at a temperature of approx. 15^{o}C for about 15–20 minutes, directing the stream above the wound,

- cover the wound with a sterile dressing, which must not exert any pressure on the burned area,

- in the case of eye burns, the dressing is to be placed on both eyeballs,

- the injured should be given lukewarm beverages to drink in order to replenish the loss of fluids in the body,

- provide the injured with thermal comfort, call a medical practitioner if necessary.

NOTE:

- in case of hand burns, remove rings and watches from the fingers (this should be done only immediately after the burn),
- if the clothing has clung to the body, do not tear it off,
- do not puncture blisters with serous fluid,
- in case of 2nd degree thermal burns or higher or chemical burns, call an ambulance immediately, or, if possible, transport the injured to the hospital by another means of transport.

Electrocution, electric shock

Electric shock, also called electrocution, is caused by a human body coming to contact with an electrical voltage. The power of the current flowing through the body depends on the voltage and electrical resistance. The intensity of the impact of alternating current (AC) on a human body also depends on the frequency. Alternating current is more dangerous than direct current of the same amperage. Another important factor affecting the extent of damage is the time of exposition to the current. The longer the body is exposed to electric current, the more severe the damage.

First aid in case of electric shock:

- disconnect the injured from the power source (turn off the faulty device by pulling the plug from the socket or removing the fuse),
- remove the injured from the danger site in a manner that is safe for the rescuer (using well-insulating materials if the injured has not been disconnected from the power source),
- perform general assessment of the condition of the injured (consciousness, circulation, breathing),
- provide immediate assistance in case of unconsciousness, respiratory arrest, or cardiac arrest,
- treat the resulting injuries (immobilizing fractures, securing burns), protect the injured from heat loss.

FIRE PROTECTION

Fire prevention

Fire protection involves the implementation of projects aimed at protecting life, health, property, or the environment from fires, natural disasters, or other local danger by:

- preventing the occurrence and spread of a fire, a natural disaster,
- or other local emergency,
- providing forces and resources to combat a fire, a natural disaster, or other local emergency,
- conducting evacuation and rescue operations.

The owner, manager, or operator of a building, facility, or site is obliged to protect the areas specified above from fire hazard or other local danger, while bearing full responsibility for violation of fire regulations, in the manner and in accordance with the rules set forth in other regulations.

In particular, each natural person, legal person, organization, or institution is obliged to:

- comply with the construction, installation, and technological fire protection requirements,
- provide the building, facility, or area with firefighting and rescue equipment and firefighting means in accordance with the principles set forth in separate regulations,
- ensure maintenance and repair of the equipment and devices specified above in accordance with the Polish Standard, rules, and requirements that guarantee their efficient and reliable operation,
- ensure the safety and possibility of evacuation of people located in the buildings and facilities or on the site,
- prepare the building, facility, or site for rescue operations,
- familiarize the employees with fire safety regulations,
- establish the proceedings in case of an outbreak of a fire, a natural disaster, or other local emergency.

It is forbidden to carry out the following activities in the facilities and adjacent areas that may cause a fire and its spread, and that may hinder the firefighting operations or evacuation:

- using open flames, smoking tobacco, and using other factors that can cause ignition of the materials present:
    - in an explosion risk zone, except for the equipment designed for this purpose,
    - in places where other combustible materials are present, as determined by the competent owner or manager and marked in accordance with the Polish Standards and safety signs;
- using defective systems, equipment, and tools or using them contrary to their intended purpose or the conditions specified by the manufacturer if it could contribute the outbreak of a fire, an explosion, or fire spreading;
- garaging of motor vehicles in facilities and premises not intended for this purpose if the vehicle's fuel tank has not been emptied and the vehicle's battery power has not been permanently disconnected;
- heating up tar and other materials with the use of an open flame at a distance of less than 5 m from the object, adjacent storage yard or storage site with combustible materials; however, it is permissible to carry out these activities on roofs of noncombustible construction and covering in buildings under construction and in other provided that appropriate heaters, designed for that purpose, are used;
- lighting bonfires or dumping hot ash and cinders in a place with a high risk of ignition of combustible materials or neighboring objects, and at a distance of less than 10 m from these objects;
- using electrical heating equipment placed directly on combustible substrate, expect for the equipment operated according to the conditions determined by the manufacturer;
- storaging of combustible materials and using elements of interior design and furnishings made of combustible materials at a distance of less than 0.5 m from:
    - equipment and installations of which external surfaces can heat up to temperatures exceeding 373.15 K (100^{O}C),
    - cable lines with voltage above 1 kV, grounding conductors, discharge conductors of the lightning protection system, active electrical distribution panels, electrical feeder cables, and industrial sockets with voltage above 400 V;
- using combustible materials as covers of light sources, expect for less-combustible and flash resistant materials if such are located at least 0.05 m from a light bulb;
- installing lighting fixtures and fittings for electrical installations such as:
  turn-off switches, toggle switches, sockets directly on a combustible substrate if their construction does not protect the substrate from ignition;
- storaging combustible materials on general traffic routes for evacuation or placing objects on these routes, reducing their width or height below the required values;
- closing evacuation doors in a way that prevents their immediate use;
- locating interior design elements, installations, and equipment, reducing the dimensions of an evacuation route below the values required by the technical and construction regulations;
- preventing or restricting access to:
    - fire extinguishers and fire protection equipment,
    - anti-explosion relief devices,
    - water sources for firefighting purposes,
    - equipment that activates firefighting systems and controls such systems and other systems that affect the fire safety status of the facility,
    - emergency exits or windows for rescue teams,
    - electrical circuit breakers and switchboards as well as main taps of gas systems;
- filling gas cylinders with liquefied gas at gas stations, liquefied gas stations, and other facilities not designed for this purpose.

Owners, managers, or operators of buildings and storage yards and sheds, except for single-family residential buildings:

- maintain fire protection equipment and fire extinguishers in full technical and functional condition;
- equip facilities, in accordance with the requirements of technical and construction regulations, with fire protection circuit breakers;
- post in conspicuous places instructions on emergency procedures in the event of a fire along with a list of emergency phones;

- mark the following with signs that comply with the Polish Standards for safety signs:
    - evacuation routes (excluding residential buildings) and rooms in which at least 2 emergency exits are required by technical and construction regulations in a manner that ensures the provision of information necessary for evacuation,
    - locations of fire protection equipment and fire extinguishers,
    - locations of fire protection equipment control devices,
    - locations of fire protection circuit breakers, gas installation taps, and fire hazardous materials,
    - rooms in which fire hazardous materials are located,
    - evacuation ladders, emergency escape chutes, escape mask containers, evacuation meeting points, locations of keys to evacuation exits,
    - cranes for rescue (firefighting) teams,
    - fire protection water reservoirs.

Site owners or managers shall maintain the fire access routes located therein in a condition that allows the use of these routes by vehicles of fire protection units in accordance with the conditions set forth in the regulations on fire protection water supply and fire access routes.

Owners, managers or operators of facilities or parts thereof constituting separate fire zones, intended for the performance of public utility, collective residence, production, storage and livestock functions, shall develop a fire safety instruction containing:

- conditions for fire protection resulting from the purpose of the facility, the way it is used, the technological process carried out, and its technical conditions, including the risk of explosion;
- ways of submitting fire protection equipment and fire extinguishers used in the facility to technical inspections and maintenance activities;
- procedures in case of a fire or other threat;
- ways of performing fire hazardous work, if such work is envisaged;
- ways of practical verification of the organization and conditions of evacuation of people;
- ways of familiarizing operators of the facility with the content of this instruction and fire safety regulations.

The fire safety instruction should be updated periodically, at least once every two years, as well as after such modifications in the use of the facility or the technological process that change the conditions for fire protection.

Fire safety of buildings

A building and related facilities should be designed and constructed to ensure the following in the event of a fire:

- the load-bearing capacity of the structure for the time prescribed by the regulation;
- reducing the spread of fire and smoke in the building;
- limiting the spread of fire to neighboring buildings;
- the possibility of evacuating people as well as safety of rescue teams.

The rooms intended for people to stay in have to provide the possibility to evacuate to a place of safety outside the building or to an adjacent fire zone, either directly or by general communication routes, hereinafter referred to as "evacuation routes." The exits from the rooms to the evacuation routes should be closed with doors, and the door constituting an emergency exit from a building intended for more than 50 people should open outwards (this requirement does not apply to a building listed in the register of monuments). Sliding doors can constitute emergency exits if they are intended not only for evacuation purposes and if their design ensures: their automatic and manual opening without the locking possibility, their self-opening and remaining in the open position in case of a fire or door failure. It is forbidden to use revolving and lifting doors for evacuation purposes.

The total clear width of the door, constituting emergency exits from the room, should be calculated in proportion to the number of people who can be located in the room at the same time, assuming at least 0.6 m in width per 100 people, with the smallest width of the door in the clearance of the frame should equal 0.9 m, and in the case of doors used for evacuation of up to 3 people — 0.8 m.

The width of horizontal emergency routes should be calculated in proportion to the number of people who can be located on a given floor of the building at the same time, assuming at least 0.6 m for each 100 people, but not less than 1.4 m.

It is permissible to reduce the width of the horizontal emergency route to 1.2 m if it is intended for evacuation of no more than 20 people.

Fire fighting and use of firefighting equipment

Firefighting equipment in the facility should be produced in accordance with the project agreed in terms of fire protection by a fire protection expert, and the condition for their admittance to use is the performance of appropriate tests and examinations for a given device, confirming the correctness of their operation. Firefighting equipment and fire extinguishers should be subjected to technical inspections and maintenance activities in accordance with the rules set forth in the Polish Standards for firefighting equipment and fire extinguishers, in technical and operational documentation, in fire safety instructions, and in manuals. The technical inspections and maintenance activities referred to above should be performed within time limits and in a way consistent with the manufacturer’s instructions at least once a year. Hoses constituting the equipment of internal hydrants should be pressure tested once every 5 years for maximum working pressure in accordance with the Polish Standard for maintenance of internal hydrants.

It is**forbidden** to prevent or restrict access to:

- fire extinguishers and fire protection equipment,
- anti-explosion relief devices,
- water sources for firefighting purposes,
- equipment that activates firefighting systems and controls such systems and other systems that affect the fire safety status of the facility,
- emergency exits or windows for rescue teams,
- electric circuit breakers and switchboards as well as the main taps of gas systems.

Owners, managers or operators of facilities, buildings, and storage yards and sheds, with the exception of single-family residential buildings:

- maintain fire protection equipment and fire extinguishers in full technical and functional condition,
- equip facilities, in accordance with the requirements of the technical and construction regulations, with fire protection circuit breakers,

- post in conspicuous places instructions on emergency procedures in the event of a fire along with a list of emergency phones.

Facilities should be equipped with portable fire extinguishers that meet the requirements of the Polish Standards (PS) constituting the equivalents to the European Standards (ES) for fire extinguishers or with transportable extinguishers. The type of fire extinguishers should be adapted to extinguish those groups of fires that may occur in the facility. Fires are divided into the following groups:

- A — fires of solids of organic origin, during the combustion of which, in addition to other phenomena, appears a phenomenon of glowing, such as: wood, paper, coal, straw, plastics, textiles — use foam extinguishers or internal hydrants as well as powder extinguishers;

- B — fires of combustible liquids and solids, e.g.: alcohols, solvents, gasoline, paints, and solids that melt and then burn under the influence of high temperatures, e.g.: plastics, tar, tackifiers — use foam, snow, or powder extinguishers;

- C — combustible gas fires, e.g.: natural gas, city gas, acetylene, methane, butane — use powder or snow extinguishers;

- D — fires of metals, e.g.: aluminum, sodium, potassium, lithium, magnesium, and their compounds — use powder extinguishers with metal extinguishing powder.

- F — Fats and oil fires in kitchen appliances. In the case of fires of originally cold substances of this type, e.g., in warehouses, the extinguishing process is identical as in the case of typical class B fires. In the case of fires of a small amount of hot grease (a typical home kitchen), an ordinary B, BC, ABC extinguisher is sufficient.

  On the other hand, using that same way to extinguish such fires in restaurants, pastry shops, etc., when a large amount of heated fat ignites (like during frying), can be ineffective as after the fat is extinguished, it can reignite when oxygen reaches it again. In such cases, special class F fire extinguishers containing mostly potassium acetate solution should be used. The solution forms a durable and heat-resistant layer on the surface of the hot fat that cuts off access to oxygen and prevents the fat from igniting again and enables it to cool down.

One unit of extinguishing agent weight of 2 kg or 3 dm^3 contained in a fire extinguisher is sufficient for, except in the cases specified in special regulations:

- each 100 m^2 of the following types of fire zone area in the building, not protected with a fixed extinguishing device:

  - fire zone area classified in the fire hazard to humans category ZL I, ZL II, ZL III, or ZL V;

  - manufacturing and storage area with a fire load density of more than 500 MJ/m^2;

  - fire area containing a room at risk of explosion;

- for every 300 m^2 of fire zone area not listed above, except for the fire zone area classified in the fire hazard to humans ZL IV.

NOTE:

Fire extinguishers in facilities should be located in easily accessible and visible locations,

w in particular:

- at entrances to buildings, in stairwells, in corridors, and at exits from rooms to the outside;

- in places not exposed to mechanical damage and heat sources (stoves, radiators, etc.);

- in multi-story buildings — in the same places on each floor if the existing conditions allow it.

When deploying fire extinguishers, the following conditions should be met:

- the distance from any place in the facility in which people may be present to the nearest fire extinguisher should not exceed 30 m;
- Access to the equipment, with the width of at least 1 m, has to be ensured.

The most common types of fire extinguishers in terms of extinguishing agent contained within are the following:

- **Foam (water, liquid) fire extinguishers:**
  - extinguishing agent: water mixed with surfactant in a ratio of 9 to 1;
  - advantages: provide rapid cooling of the fire area; form a coating that cuts off the release of combustible vapors of liquids and prevent reignition; demonstrate high efficiency in extinguishing fires of plastics and combustible liquids as they remain on their surface;
  - application: group A and B fires;
  - contraindications: storage at temperatures below -12 ^{o}C, extinguishing live electrical installations and equipment, extinguishing substances burning in the form of embers at high temperatures, extinguishing substances reacting with water, such as: sodium, potassium, lime, carbide;
- **Snow extinguishers (CO2):**
  - extinguishing agent: carbon dioxide compressed at a pressure of 150 atm;
  - advantages: mechanically knock down the flame with the force of the blast; provide a dampening and insulating effect, pushing out oxygen (air) with an inert gas; provide a cooling effect; the temperature of the outgoing CO2 equals approx. -78 ^{o}C; leave no trace after use; recommended for extinguishing live and electronic equipment;
  - application: group B and C fires;
  - contraindications: extinguishing fires of sulfur, coal, light metals, burning people, strongly heated structural elements;
- **Powder extinguishers:**
  - extinguishing agent: carbonate and phosphate powders;
  - advantages: non-toxic; neutral; capable of high fire penetration through inhibiting properties and formation of an insulating layer; provide possibility to extinguish live electrical equipment; affordable; , ensure high extinguishing efficiency;
  - application: group A, B, C, and even D fires;
  - contraindications: not to be used for extinguishing devices mechanically interacting with each other: movable parts of machines, computers, and electronic equipment due to the possibility of damage.

The activation of fire extinguishers is done in two ways. It depends on the mechanism for ejecting the extinguishing agent.

The first step is to break the pin, and then, if there is a visible knocker, push it in (this will allow the charge of working gas stored in a special cartridge inside the extinguisher to create enough pressure to eject the contents). After 3-4 seconds, the extinguisher will be ready for use. Then, use the lever of the valve located at the end of the hose to regulate the outflow of the extinguishing agent, directing it towards the source of fire.

If the red quick-open valve at the base of the extinguisher is visible, pressing it will trigger an immediate discharge of the extinguishing agent. The outgoing gas cloud should be directed at the burning combustible material.

Due to safety and the recommendations of manufacturers, the minimum distance that needs to be kept from the flames equals 1 m, while the maximum distance that ensures extinguishing efficiency equals 3–4 m.

When starting firefighting operations, one should always approach the danger (high temperature, smoke, and fire gases) with wind, draft, or other perceptible air currents.

The theoretical operating time of an extinguisher, depending on its size and type, ranges from 4 to 9 seconds.

NOTE:

Whoever notices a fire, a natural disaster, or other local danger is obliged to immediately notify persons in the danger zone and the fire protection unit.

Principles of firefighting with the use of hand-held firefighting equipment — FIRE EXTINGIUSHERS

LIST OF EMERGENCY NUMBERS

EMERGENCY MEDICAL SERVICES	**999**
FIRE DEPARTMENT	**998**
POLICE	**997**
MUNICIPAL POLICE	**986**
GAS EMERGENCY	**992**
ENERGY EMERGENCY SERVICES	**991**
HEATING EMERGENCY SERVICES	**993**
WATER AND SEWAGE EMERGENCY SERVICES	**994**

The **112** number is the standardized emergency number applicable throughout the European Union.