



NATIONAL LABOUR INSPECTORATE'S UEFA EURO 2012™ INITIATIVES AND ACTIVITIES

**Posting of workers: Improving collaboration
between social partners and government
authorities in Europe – transnational workshop
construction sector**

Warsaw, 25-27.03.2013

GENERAL INFORMATION

- Since 2008, nearly **200** investments of various types were realized in Poland as part of the **EURO 2012TM** Project.
- *EURO 2012 coordinators* were appointed in all **16** District Labour Inspectorates
In **6** districts coordinators were involved in intensified inspection and supervisory activities.
- The NLI's EURO 2012 coordinators were under the supervision of the EURO 2012 coordinator in the Chief Labour Inspectorate.



Campaign "Safe Construction" beginning in 2008

- stage 1 – information and training
- stage 2– inspection and supervision: carrying out investments
- stage 3– inspection: investment delivery (until 08.08.2011)



National Labour Inspectorate's two-level action strategy for EURO 2012

The Chief Labour Inspector put Euro 2012 investments under special supervision which consisted in preventive and promotional activities and intensified inspections, especially in case of stadium construction sites.

Preventive and promotional activities:

- of District Labour Inspectors
- of labour inspectors



Responsibilities of District Labour Inspectors

Cooperation with:

- investors (EURO 2012 preparation offices)
- local authorities
- social partners
- employers' representatives
- chambers of commerce
- cooperation with Social Insurance Institution, Police, Prosecutor's Office, Office of Technical Inspection, Chief Sanitary Inspectorate, General Office of Building Control)
- Construction Safety Agreement – 7 companies



Responsibilities of labour inspectors

- Direct actions on construction sites preceded by preventive and promotional activities
- Highlighting the importance of good practices
- Promotion of OSH competitions
- Direct cooperation with Chief Sanitary Inspectorate, Office of Technical Inspection, local offices of building control, Police, Prosecutor's Office and trade unions – especially during inspections on construction sites

Supervision and inspection stage

From 2008 to 31.12.2012 **650** inspections of **564** employers were conducted.

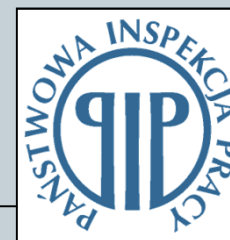
Mainly on stadium construction sites in:

- Wrocław (**125** inspections)
- Warsaw (**102**)
- Gdańsk (**94**)
- Poznań (**85**)
- other (**181**)



The most frequent irregularities in EURO 2012 investments/2008-2012/

- Irregularities related to works at height– **34%** of all decisions
- No protection in hazardous areas -**19%**
- Irregularities related to OSH training– **12%**
- Irregularities related to the use of electrical devices, machines and installations– **11%**
- Non-payment of remuneration– **8%**



Statistical information on EURO 2012 inspection activities - until 31.12.2012

- Inspection of **84** investments by **45** inspectors: **650** OSH inspections and **780** inspections of working conditions
- Employment in inspected companies: over **20 000** employees
- Employment in all EURO 2012 investments: **125 000** employees, including nearly **45 000** employed on the basis of civil law agreements
- About **4570** foreigners worked on construction sites
- **2914** decisions were issued, including
 - **210** decisions to suspend works
 - **133** decisions to transfer workers to other premises (**830** workers)
- **250** improvement notices issued for employers, containing **847** post-inspection conclusions
- **240** persons fined a total of **260 000** PLN (**65 000** EUR) for OSH irregularities
- Prosecutor's notices – **22** (Warsaw – **17**)
- Enforced payment of nearly **440 000** PLN , including **270 000** PLN for natural persons

Necessity to carry on with preventive activities

- **Wide-spread response to "Safety Construction" prevention campaign (positive reaction of investors and contractors)**
- **Possibility to stay in an ongoing contact with the labour inspector supervising the investment**
- **Prevention and inspection combined helped to improve work safety on many construction sites**
- **"Good practices" are still "an open book"**

NLI's preventive activities

- **Appointing OSH coordinators at investors' premises**
- **Permanent participation of labour inspectors in construction assemblies:**
- **Obliging construction site managers to share experience**
- **Engaging inspectors of investment supervision in elimination of irregularities and hazards**
- **Duty hours of labour inspector on construction site**
- **Distributing materials on labour law, including the brochure "Legality of employment of foreigners in Poland" and other materials**

NLI's organisational activities and effects

Obligatory use of *Procedures* related to:

- introducing subcontractors on construction site
- use of machines, devices and power tools
- marking of machines and devices
- construction site access systems

Participation in mass inspections of legality of employment, also in cooperation with Police and Border Guard – **12** inspections in total, **2900** workers. **132** cases of illegal employment, including **44** foreigners

Active participation of NLI in international conferences on "Campaign for decent work on EURO 2012 construction sites"

Negative findings

- **Consequences of tenders pursuant to the Act on public procurement, e.g. A-2 motorway**
- **Complex subcontracting structures and resulting payment gridlocks**
- **Common use of civil law contracts and problems with enforcing rules and obligations**
- **Abuses of dishonest contractors**
- **Results of the lack of OSH provisions, for instance in light of accidents that have taken place**
- **Direct hazard to life and limb of employed workers and lack of reaction of the construction site management**

Loopholes revealed during EURO 2012

- ❑ No OSH provisions for works at height
- ❑ No provisions regulating authorization for use of some of the new construction machines
- ❑ No OSH provisions on conduct of works with the use of new building technologies
- ❑ No *Technical conditions for stadiums and use thereof* in implementing provisions of the building law

Foreigners and EURO 2012

The biggest number of foreigners worked on the National Stadium – about **1800 people out of **23 000** employed workers**

- Motorways and expressways– **1100** workers,
- Other stadiums and investments - **670** workers.

Nationalities:

- Ukrainians– about **2700** workers – on National Stadium– **1250**
- Germans and Austrians- **950** (Consortium Alpine Bau, Max Gögl),
- Belorussians– **250** osób,
- Russians - **120**,
- Lithuanians - **60**.

And: Slovaks, Czechs, Romanians, Moldovans, Macedonians

Foreigners and EURO 2012

Posted workers (**about 1800**) on EURO 2012 were mostly workers employed in foreign consortia, working on investments (stadiums, motorways) in Poland.

The biggest consortia:

- Max-Bögl – stadium in Wrocław
- Alpine Bau Deutschland – stadiums in Poznań, Gdańsk and Warsaw
- COVEC – China – A-2 motorway

About **600** workers were posted from small specialist companies from Lithuania, Czech Republic, Slovakia, France and England.

340 workers were hired via employment agencies

35% of posted workers are permanently employed in these companies

65% -of workers were hired to perform works on EURO2012 investments and fanzones

- Nearly **2400** foreigners took up work with no employment agency involved; **70%** of them signed civil law contracts.
- It is assumed that **8 %** of the group above did not conclude an employment contract or a civil law contract.
- The most frequent infringements of legal provisions by Polish employers and entities employing foreigners were:
 - Lack of payment or untimely payment of remuneration and benefits
 - Irregularities related to OSH training and medical examinations as well as provision of protective clothing and shoes



Thank you
for your attention