	PB/EHS/1/2022/2/_08 Basic information for contractors outside from Poland_EN
	Edition_01

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Basic information for contractors outside from Poland

1. Introduction

The distinction between Polish and foreign Contractors relates to formal requirements in the scope of:

- Medical examinations
- Health and Safety trainings provided by the employer
- Execution of regulated jobs
- Operation of machines and equipment brought from outside Poland

Polish Contractors means companies seat of which is Poland – hereinafter called **Polish Contractors**.

Foreign Contractors means companies seat of which is outside Poland.

Foreign Contractors are distinguished between:

- those, seat of which is in EU Member States - hereinafter called **EU Contractors**;
- those, seat of which is in other countries - hereinafter called **non-EU Contractors**.

According to the the Polish Labour Code Act:

The employer, whose seat is in the European Union Member State, who delegates the employee to work within the territory of the Republic of Poland in connection with the execution of the contract reached by the employer with the foreign entity, shall provide the employee with working conditions not less profitable that these resulting from the Labour Code Act and other legislation that controls rights and regulations of employees.

Working conditions concern, among others, occupational health and safety issues.

Since European legislation is based on the same EU directives, it is assumed, that employment conditions related to the Health and Safety, in the scope of occupational medical examinations and health and safety trainings are coherent within legislations of all EU Member States.

2. Medical examinations

Employees of **EU Contractors** should present valid medical certificates stating lack of contraindications for working in their positions, issued in accordance with legal requirements (scope is based on Directive 89/391 / EEC) binding in the country of origin of the Contractor.

The medical certificate issued by the Polish physician entitled to carry out labour medical examinations can be presented as the alternative.

Certificate issued in the EU Member State other than Poland must be presented along with translations into Polish or English.

As the alternative, employees of **EU Contractors** may present valid medical certificates stating lack of contraindications for working in their positions, issued by Polish physician entitled to carry out labour medical examinations.

Employees of **non-EU Contractors** should present valid medical certificates stating lack of contraindications for working in their positions, issued by Polish physician entitled to carry out labour medical examinations.

3. Health and Safety trainings

Employees of **EU Contractors** should present valid certificates of health and safety training carried out in accordance with legal requirements binding in the country of origin of the Subcontractor (are allowed if their program is based on Directive 89/391 / EEC).

The certificate of Periodical Health and Safety training carried out in accordance with the requirements of the Polish Labour Code Act can be presented alternatively.

Employees of **non-EU Contractors** should present valid certificates of Periodical Health and Safety training carried out in accordance with the requirements of the Polish Labour Code Act.

Above described rules concerning HS trainings do not limit:

- the obligation of providing workstation HS training to employees by their supervisors for given scope of work that must always be carried out before works commencement. If for the given scope of works preparation of the Safety Method Statement is required;
- the necessity to get the recognition of foreign licenses in order to be able to perform regulated professions.

4. Regulated Professions

Regulated professions for which it is required to obtain recognition of professional qualifications is given in the *ACT of December 22, 2015 on the principles of recognition of professional qualifications acquired in the Member States of the European Union*.

From among professions listed in the Annex to the regulation, in case of construction works, especially following professions should be considered:

- operators and maintenance technicians of lifting devices
- operators of ground works devices
- assemblers of scaffoldings
- assemblers of tower cranes
- persons involved in operation of electrical, gas and heat devices, installations and grids

It is forbidden to perform the regulated profession without the valid license.

In order to get the foreign license recognized by Polish authorities, one must apply to Polish entitled institution. Application is done on the form determined by Polish regulations. English translation of the form is enclosed at the end of the Attachment.

Operators and maintenance technicians of lifting devices

All lifting devices, such as cranes, overhead cranes, power winches, mobile elevators must be operated only by licensed personnel.

License for operation is not required only while operating lifting devices with manual drives of all mechanisms.

According to Polish legal requirements maintenance inspections of above mentioned lifting devices must be carried out at legally defined intervals, unless manufacturer's instruction specifies other intervals. In case of cranes e.g. the intervals equals 30 days. Maintenance inspections must be recorded in the maintenance log book and can be only carried out by the licensed maintenance technician.

Operator's license and maintenance technician's licence can be granted to the same person, anyway one should remember that these are separate classes of entitlements.

The institution that issues licenses in question, and to which the application for recognition of foreign qualifications should be forwarded is:

UDT = Urząd Dozoru Technicznego = Office of Technical Inspection

<http://www.udt.gov.pl/>

Address of the Warsaw department of UDT:

Oddział UDT Warszawa

ul. Radarowa 9
02-137 Warszawa

tel: (+ 48) 22 526 81 00

(+ 48) 22 526 81 90

fax: (+ 48) 22 526 81 16

o-warszawa@udt.gov.pl

In practice, it is also possible to pass an exam in the UDT instead of applying for recognition of foreign qualifications.

Operators of ground and road works devices, assemblers of scaffoldings

Ground works devices mentioned here should be understood as all devices requiring operator's qualifications to be confirmed by examination boards appointed by the institution called IMBIGS = Instytut Mechanizacji Budownictwa i Górnictwa Skalnego = Institute of Mechanised Construction and Rock Mining.

Above devices as well as assemblers of scaffoldings and assemblers of tower cranes are listed in the appendix to *The Ordinance by the Minister of Economy as of 20 September 2001 r. on occupational health and safety during operation of machines and other technical devices for earth, building and road works. (Dz. U. Nr 118, poz. 1263)*. The content of the appendix is presented below:

Group I. Ground works machines

ID.	Name of machine or device	Unit that characterizes machine or device	Class specified in the certificate		
			III	II	I
1	2	3	4	5	6
1	Single-bucket excavators	total weight tonnes	up to 25	—	all
2	Digger-loader ¹⁾	—	all	—	—
3	Digger- bulldozers	—	all	—	—
4	Multi-bucket excavators ^{2),3)}	—	—	—	all
5	Chain multi-bucket excavators	—	all	—	—
6	Bulldozers	engine's power output kW	up to 110	—	all
7	Graders	—	—	—	all

ID.	Name of machine or device	Unit that characterizes machine or device	Class specified in the certificate		
			III	II	I
1	2	3	4	5	6
8	Scrapers	—	—	—	all
9	Single-bucket loaders ⁴⁾	total weight tonnes	up to 20	—	all
10	Sailing single-bucket dredgers	—	—	all	—
11	Sailing multi-bucket dredgers	—	—	all	—
12	Inland suction dredgers	—	all	—	—
13	Piling machines	—	—	all	—
14	Pile-drivers ⁵⁾	—	no class		
15	Vibrating devices for piling and pulling out ⁵⁾	—	all types	—	—
16	Drills for anchors ⁵⁾	—	no class		
17	Hydraulically driven horizontal drills	Ø of pipe mm	up to 800	all	—

- 1) *The qualifications of the operator who obtained qualifications in this specialty authorize him to operate a single-bucket excavator up to 4 ton total weight, single bucket loader up to 8 tons total weight and backhoe dozer.*
- 2) *Excluding multi-bucket excavators with a capacity exceeding 500 m³ / H.*
- 3) *The qualifications of the operator who obtained qualifications in this specialty authorize him to operate a multi-bucket trencher with trenches.*
- 4) *The qualifications of the operator who obtained the qualifications in this class III or I specialty, authorize him to operate class III bulldozers.*
- 5) *Excluding hand tools.*


Group II. Road works machines

ID	Name of machine or device	Unit that characterizes machine or device	Class specified in the certificate		
			III	II	I
1	2	3	4	5	6
1	Blacktop manufacturing units	—	—	—	all
2	Blacktop spreading units	—	—	all	—
3	Repavers and remixers	—	no class		
4	Pavement repairing machines	—	all	—	—
5	Pavement millers self-driveable	—	—	—	all
6	Pavement cut-off machines	—	all	—	—

ID	Name of machine or device	Unit that characterizes machine or device	Class specified in the certificate		
			III	II	I
1	2	3	4	5	6
	combustion engine				
7	Concrete mixtures manufacturing units	—	—	all	—
8	Concrete mixtures spreading machines	—	—	all	—
9	Ground stabilizing machines	—	all	—	—
10	Road rollers ¹⁾	—	—	al	—
11	Mechanical saws for felling trees ²⁾	—	all	—	—

1) Does not apply to trailer road rollers.

2) Qualifications of an operator who obtained qualifications in this specialty under the Regulation of the Minister of the Environment of August 24, 2006 on health and safety at work in the performance of certain works in the field of forest management (Journal of Laws Pos. 1141), authorize you to operate this device.

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Group III. Miscellaneous machines and other technical devices

ID	Name of machine or device	Unit that characterizes machine or device	Class specified in the certificate		
			III	II	I
1	2	3	4	5	6
1	Multi-purpose accessory carriers	—	No class		
2	Concrete mix pumps	—	all	—	—
3	Concrete feeders	—	all	—	—
4	Construction - montage metal scaffoldings - assembly and disassembly	—	No class		

Application for recognition of qualifications described in this chapter should be forwarded to:

Institute of Mechanised Construction and Rock Mining.

<http://www.imbig.org.pl/>

Instytut Mechanizacji Budownictwa i Górnictwa Skalnego

ul. Racjonalizacji 6/8

02-673 Warszawa

tel. : (+48) 22 843-02-01

fax : (+48) 22 843-59-81

e-mail: imb@imbig.org.pl

Persons involved in operation of electrical, gas and heat devices, installations and grids

According to provisions of the Energy Law Act and its executive orders persons involved in operation of electrical, gas and heat devices, installations and grids require to get the license of qualifications (so called power license). In case of EU citizens license are not required, provided that the procedure of recognition of foreign license is completed.

Power license are required for following activities: operation, maintenance, repairs, control-and-measurements.

They are issued on two levels:

- E (*eksploatacja*) use — persons who perform works in the scope of operation, maintenance, repairs, assembly, control-and-measurements
- D (*dozór*) supervision —persons who supervise workstations mentioned above as well as workstations of technical staff who supervise the utilization of devices, installations and grids

Licenses are needed for three groups:

- Group 1. Grids, equipment and installations to generate, transform, transmit and consume **electricity**
- Group 2. Grids, equipment and installations to generate, transform, transmit and consume **heat and other power devices**
- Group 3. Grids, equipment and installations to generate, transform, transmit and consume **gas fuels**

Following subgroups are distinguished in above groups:

Group 1. Grids, equipment and installations to generate, transform, transmit and consume electricity

- 1) power generators connected to domestic power grid regardless of the rated voltage;
- 2) power devices, installations and grids of rated voltage not greater than 1 kV;
- 3) devices, installations and grids of rated voltage above 1 kV;
- 4) power generating units of the power above 50 kW;
- 5) electrothermal devices;
- 6) devices for electrolysis;
- 7) street lighting electrical systems;
- 8) electrical traction systems;
- 9) explosion-proof electrical devices;
- 10) control and measurement instruments and devices and installations for automatic control and protection of devices and installations mentioned in items 1—9;
- 11) military devices;
- 12) rescue and extinguishing devices and border protection devices.

Group 2. Grids, equipment and installations to generate, transform, transmit and consume heat and other power devices

- 1) steam and water boilers fed with solid, liquid or gas fuels of the power above 50 kW, along with auxiliary equipment;

- 2) heat grids and installations along with auxiliary equipment of the heat transmission above 50 kW;
- 3) steam and water turbines of the power above 50 kW, along with auxiliary equipment;
- 4) industrial steam and hot water receivers of the power above 50 kW;
- 5) ventilation, air-conditioning and cooling devices of the power above 50 kW;
- 6) pumps, exhaust fans, ventilators and blowers of the power above 50 kW;
- 7) compressors of the power above 20 kW and compressed air and industrial gasses installations;
- 8) fuels storage and unloading devices of the volume corresponding to more than 100 Mg;
- 9) industrial furnaces of the power above 50 kW;
- 10) control-and-measurement instruments and devices for automatic control of devices and installations mentioned in items 1—9;
- 11) military devices;
- 12) rescue and extinguishing devices and border protection devices.

Group 3. Gas grids, equipment and installations to generate, transform, transmit, consume or store gas fuels

- 1) gas fuels production devices, gas generators;
- 2) devices for transformation and conditioning of gas fuels, natural gas modification devices, liquid gas treatment, expanding and bottling devices, denitrating and mixing devices;
- 3) gas fuels storage devices;
- 4) gas distribution networks of the pressure not greater than 0,5 MPa (gas pipings, reduction points, gas stations);
- 5) gas transmission networks of the pressure above 0,5 MPa (gas pipings, stations and compressors);
- 6) gas devices and installations of the pressure not greater than 5 kPa;
- 7) gas devices and installations of the pressure above 5 kPa;
- 8) industrial gas receivers of the power greater than 50 kW;
- 9) gas turbines;
- 10) control and measurement instruments, devices for control of devices, installations and grids mentioned in items 1—9.

Exclusions

Power license is not required in case of persons who operate:

- electrical devices of the voltage not greater than 1 kV and the rated power not greater than 20 kW, provided that principles of operation are defined in the documentation of these devices
- heating equipment or installations of the installed power not greater than 50 kW

Note that the exclusion relates only to operation – not maintenance, repairs or measurements.

The institutions who issue power licenses for Polish citizens are examination boards authorised by Polish state institution, i.e. Energy Regulatory Office.

The institution to which the application for recognition of power qualifications acquired abroad should be forwarded is:

UDT = Urząd Dozoru Technicznego = Office of Technical Inspection

<http://www.udt.gov.pl/>

Address of the Warsaw department of UDT:

Oddział UDT Warszawa

ul. Radarowa 9

02-137 Warszawa

Tel.: (+ 48) 22 526 81 00

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Entitled examination boards are set by various professional associations. In practice, it is possible to order such training for a group of persons and the training institution will ensure organizing the exam with the translator for foreign citizens.

5. Operation of machines and equipment brought from outside Poland

General requirements related to operation of machines and equipment are outlined in the Attachment no 03 to EHS Program for External Companies providing services on the premises of PB in Duchnice.

Apart from above, some types of machines and equipment are subject to state supervision which is executed by UDT = Urząd Dozoru Technicznego = Office of Technical Inspection.

In general, these machines and equipment include:

- all lifting devices, such as cranes, overhead cranes, power winches, mobile elevators (only apart from manually driven cranes of the capacity not greater than 2000 kg).
- non-pressurized tanks: for flammable liquid materials of the volume above 2,5 m³; for toxic and corrosive materials of the volume above 60 dm³; for hazardous materials of the volume above 1 m³
- pressurized devices such as steam and water boilers, heat exchangers, tanks with P*V factor greater than 300 bar*dm³, acetylene generators and some other devices.

Above listed equipment must be reported to UDT which, after the inspection made in the place of operation, shall issue the decision – permit for operation. The permit is the precondition for the possibility of operation of the equipment.