



INSTYTUT HISTORII NAUKI  
im. Ludwika i Aleksandra Birkenmajerów

POLSKIEJ AKADEMII NAUK

L. & A. Birkenmajer Institute for the History of Science  
Polish Academy of Sciences



HR EXCELLENCE IN RESEARCH

Nowy Świat 72, 00-330 Warszawa | tel. (48 22) 65 72 746 | e-mail: [ihn@ihnpan.pl](mailto:ihn@ihnpan.pl) | [www.ihnpan.pl](http://www.ihnpan.pl) | NIP: 525-000-87-84 | REGON: 000326411

## **Annex to the Order**

**No. 9/2024**

**of the Director of the IHN PAN  
(Institute for the History of  
Science of the Polish Academy  
of Sciences)**

**of 12 November 2024.**

## **WORK REGULATIONS**

of the “Ludwik and Aleksander Birkenmajer” Institute of the Polish Academy of Sciences in Warsaw

### **CHAPTER I**

#### **Introductory provisions and definitions**

##### **Section 1**

These Work Regulations, hereafter referred to as “the Regulations”, establish the organisation and working procedures at the “Ludwik and Aleksander Birkenmajer” Institute for the History of Science of the Polish Academy of Sciences in Warsaw, and the related rights and obligations of the Employer and employees.

##### **Section 2**

These Regulations shall apply to all employees, irrespective of the type of employment, type of contract entered into, working hours and position held.

##### **Section 3**

1. Every newly hired employee shall be required to read and acknowledge these Regulations before commencing work.
2. A signed and dated statement confirming that the employee has read these Regulations shall be placed in the employee’s personal records.
3. The model statement referred to in paragraph 2 is attached as Appendix 1 to these Regulations.

## Section 4

The terms used in these Regulations shall have the following meaning:

- 1) **employee** – a person with whom the “Ludwik and Aleksander Birkenmajer” Institute for the History of Science has established an employment relationship, regardless of the type of contract or working hours.
- 2) **academic researcher** – a person employed by the “Ludwik and Aleksander Birkenmajer” Institute for the History of Science as an academic (professor, institute professor, assistant professor, assistant), as part of the employment relationship, regardless of the type of contract and hours of work.
- 3) **Employer** – the “Ludwik and Aleksander Birkenmajer” Institute for the History of Science of the Polish Academy of Sciences in Warsaw (hereinafter referred to as the Institute), on behalf of which the activities related to labour law are performed by the Director of the “Ludwik and Aleksander Birkenmajer” Institute for the History of Science of the Polish Academy of Sciences or persons acting under its authority,
- 4) **Director** – the Director of the “Ludwik and Aleksander Birkenmajer” Institute for the History of Science of the Polish Academy of Sciences,
- 5) **organisational unit** – a separate unit in the organisational chart of the “Ludwik and Aleksander Birkenmajer” Institute for the History of Science of the Polish Academy of Sciences, in particular the research labs, departments, library and archive,
- 6) **head** – a head of an organisational unit which is part of the “Ludwik and Aleksander Birkenmajer” Institute for the History of Science of the Polish Academy of Sciences,
- 7) **immediate supervisor** – a person who directly supervises the performance of their employees’ duties arising from their scope of activities; in the case of self-contained positions, this shall be the Director or the relevant Deputy Director, respectively.

## Section 5

1. All information related to the Employer’s activities shall be provided to external parties only by the Director or persons authorised by them.
2. Documents and their copies, including both official and public documents, accounting documents or other documents containing personal data shall not be released externally or made available to any unauthorised persons without the consent of the Director or a person authorised by them.

## CHAPTER II

### Rights and obligations of the employer and employee

## Section 6

The rights of the Employer include, in particular:

- 1) the right to use the results of their employees’ work carried out under the employment

relationship,

- 2) the right to issue official instructions and orders to employees on how to perform tasks that are not contrary to the law and the contract of employment.

### **Section 7**

In particular, the Employer shall be obligated to:

- 1) provide the employee with a workstation to carry out the activities stipulated in their contract of employment,
- 2) acquaint the employee with the scope of their duties, the conditions and manner in which the work is to be performed and their rights,
- 3) inform employees of the conditions of their employment referred to in Articles 29(3), (3<sup>2</sup>) and (3<sup>3</sup>) and in Article 29<sup>1</sup>(2) and (4) of the Labour Code,
- 4) respect the dignity and other personal rights of the employee,
- 5) organise work in such a way as to ensure that working time is fully utilised and that employees achieve, using their talents and qualifications, high productivity and good quality of work,
- 6) counteract discrimination in employment, psychological and sexual harassment at work,
- 7) respect the principle of equal treatment of employees at work with regard to the establishment and termination of the employment relationship, conditions of employment, promotion and access to training to improve professional qualifications,
- 8) ensure safe and hygienic working conditions and provide regular trainings for employees in this regard,
- 9) pay remuneration in a timely and correct manner,
- 10) facilitate employees' professional development and their upskilling, including by organising trainings,
- 11) meet, as far as possible, the social needs of employees,
- 12) apply objective and fair criteria for the assessment of employees and the results of their work,
- 13) keep and maintain, in paper or electronic form, records on matters relating to the employment relationship and employees' personnel files (employee records),
- 14) keep employee records in such a way as to ensure that their confidentiality, integrity, completeness and availability are maintained in conditions that do not pose a risk of damage or destruction for the period of employment and for a period of 10 years, counting from the end of the calendar year in which the employment relationship terminated or ceased, unless separate provisions provide for a longer retention period,
- 15) allow only those employees to work whose state of health ensures the safe discharge of the tasks assigned to them,
- 16) comply with the law and generally accepted principles of community life, and influence the formation of such principles in the place of work,
- 17) provide workers with the materials and tools they need to perform their work,
- 18) assess and record work-related risks and apply the necessary preventive measures to reduce

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those risks, and inform workers of the work-related risks and how they can protect against the risks in question,

- 19) grant holidays and leaves governed by separate provisions.

### **Section 8**

The employee rights include, in particular:

- 1) the right to hold the position agreed upon in the contract of employment,
- 2) the right to receive the remuneration for work,
- 3) the right to rest,
- 4) the right to safe and healthy working conditions,
- 5) the right to equal treatment for carrying out identical duties under the same conditions,
- 6) the right to establish and join workers' organisations.

### **Section 9**

The employee's primary duties shall include the conscientious and diligent performance of their work and compliance with the instructions of their superiors concerning the work, provided that they are not contrary to the provisions of the labour law and the contract of employment, in particular:

- 1) diligent performance of work under the direction of persons representing the Employer, in accordance with the established organisation and order of the work process,
- 2) compliance with the law and internal rules and regulations, including these Regulations,
- 3) respecting the principles of community life,
- 4) carrying out their work efficiently, impartially and in an economically viable manner to achieve the best possible results,
- 5) respecting the established order and organisation of work and the working system and time,
- 6) continuous improvement of their professional skills and qualifications, as well as their compulsory participation in courses and training organised by the Employer, to which they have been delegated by order or upon the Employer's consent,
- 7) exercising care for the Employer's welfare, protecting their property, and using it for its intended purpose.
- 8) notifying the Employer of any act to their detriment as soon as they become aware of it.
- 9) keeping scientific and organisational information, the disclosure of which could expose the employer to damage, in secrecy and protecting other legally protected secrets, as defined in separate regulations, if they have access to them at the given workplace,
- 10) maintaining courtesy and friendliness in dealings with superiors, subordinates and colleagues,
- 11) behaving with dignity in and out of the workplace,
- 12) complying with data protection regulations and exercising due diligence when processing personal data in order to protect the interests of data subjects,
- 13) observing occupational health and safety and fire regulations and rules,

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- 14) complying with internal procedures, in particular the anti-harassment and anti-corruption procedures, as well as the rules on the use of computer equipment in and out of the workplace,
- 15) reading and understanding orders, official instructions and other information communicated to employees in the manner adopted by the Employer,
- 16) undergoing initial, periodic and follow-up medical examinations, on the basis of a referral issued by the Employer and in a medical establishment designated by the Employer with which the Employer has entered into an agreement on occupational health services. If a medical certificate is not submitted to the Employer by the required time limit, the employee will not be allowed to work and will not receive remuneration until the relevant certificate is submitted.

### **Section 10**

The employee shall notify the Employer immediately:

- 1) of any changes in family status relating to the acquisition or loss of entitlement to relevant social security benefits and employment rights, affecting the rights and obligations arising from the employment relationship,
- 2) of the exercise of social functions (e.g. lay judge, councillor and so forth), as well as on the termination of such functions,
- 3) of the loss of professional qualifications (licences) required to perform the work in the position held,
- 4) of significant changes to their personal data, in particular changes to their name, correspondence address and the details of the person to be notified in the event of an accident at work.

### **Responsibilities of the academic researcher**

#### **Section 11**

1. The academic researcher shall carry out creative research activity in accordance with the tasks of the Institute taking into account, in the manner most favourable to the Employer, the principles of parametric evaluation of research units, as stipulated in special provisions. Furthermore, academic researchers shall participate in research and commercial projects carried out by the Employer and in organisational work related to conferences and other scientific events organised or co-organised by the Employer. They shall publish and disseminate the results of their research and development work.
2. The academic researcher shall adhere to the principles of professional conduct.
3. The academic researcher should apply, whenever possible, for grants, research and commercial projects, scholarships (including those abroad) and scientific internships.
4. Professors and Institute professors, in addition to the responsibilities set forth in paragraph 1, shall participate in the training of researchers conducted by the Institute, while assistants and assistant professors shall carry out the work necessary for obtaining degrees and participate actively in training classes.

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5. The scientific tasks of academic researchers and the deadlines for these tasks shall be determined by the immediate supervisor.
6. Academic researchers shall be required to attend the scientific meetings of their home research unit (research lab).
7. Academic researchers may carry out research undertaken at the Employer on their own initiative with the approval of the Director. In this case, the employee must use the Employer's research workshop in a way that does not interfere with the research scheme, internal order and physical resources of the research unit.
8. In the performance of their official duties, the employee shall be obligated to exercise due diligence so as not to expose the Employer to damage and liability under applicable law.

## **Section 12**

1. The work of the laboratory shall be managed and supervised by a supervisor appointed by the Director of the Institute.
2. The responsibilities of the research unit supervisor shall include, in particular:
  - 1) assessing the needs of science and practice in the area covered by the research unit and taking appropriate initiatives to undertake research,
  - 2) entrusting scientific and organisational work to research unit staff,
  - 3) holding regular scientific meetings to discuss the activities carried out within and outside the research plan,
  - 4) aiming to improve the qualifications of researchers,
  - 5) presenting reports, opinions and information to the Director of the Institute and evaluating the work of the staff employed at the research unit.

## **Section 13**

1. Each academic researcher shall submit an individual annual report on the performance of the tasks assigned to them by the date determined by the Director of the Institute. The report in question should include, in particular:
  - 1) information on the progress and results of the research work conducted,
  - 2) list of published papers,
  - 3) list of carried out expert opinions, reviews, scientific conference papers, etc.
2. The reports of assistant professors and assistants shall, in addition to the data referred to in paragraph 1, include:
  - 1) information on the status of the doctoral/habilitation thesis and the expected date of its completion,
  - 2) data on the use of grants (internships) and so forth,
  - 3) information on the performance of organisational duties and involvement in the work for the Institute.

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3. The reports made by academic researchers should be endorsed by their immediate supervisor. Annual reports shall be submitted electronically by employees, using the template received from the Secretariat, to the Institute's secretariat address.

4. In addition to the annual reports referred to in paragraphs 1, 2 and 3, each employee shall submit a written report on their abroad scientific visit. The report shall be submitted to the member of the Institute's administration responsible for overseas scientific cooperation within one month of returning from the abroad scientific visit.

5. The provisions of paragraphs 1 to 4 shall apply accordingly to technical and scientific workers employed in the research labs.

#### **Section 14**

1. The primary way to measure the performance of duties by the academic researchers and technical and scientific workers is the level of performance of scientific tasks, taking into account, in the manner most favourable to the Employer, the principles of parametric evaluation of scientific units, as stipulated in special regulations.

2. Individual performance evaluation of the academic researchers and technical and scientific workers employed in the research labs shall be carried out by the Scientific Board of the "Ludwik and Aleksander Birkenmajer" Institute for the History of Science of the Polish Academy of Sciences. The detailed procedure and frequency of evaluations shall be determined by the Scientific Board of the Institute in separate regulations.

#### **Section 15**

1. The academic researcher shall seek the Director's approval to undertake additional employment under the employment relationship or to conduct business activity.

2. Employees shall inform the Employer if a direct reporting line arises between spouses and persons related to each other up to the second degree of consanguinity or the first degree of affinity, or in a relationship of adoption, guardianship or custody.

#### **Section 16**

The employee shall have the right to inspect the records relating to their work.

#### **Section 17**

It shall not be allowed to:

- 1) consume alcoholic beverages, drugs or other substances that have psychotropic effects on the premises of the Institute,
- 2) take any items owned by the Employer out of the Institute without their consent,
- 3) contact media representatives on matters related to the Institute's activities without the consent of the Employer,
- 4) use the position or the information obtained in connection with the work for one's own material gain and take actions that may give rise to suspicion of bias or personal gain,

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- 5) use the Employer's facilities, equipment and materials for activities unrelated to the work performed without the consent of the Employer, subject to the circumstances stipulated in clause 11.7,
- 6) disclose any information on the Employer's activities to third parties without prior authorisation by the Employer,
- 7) use social security benefits in a manner that violates generally applicable law, internal company regulations or ethical principles,
- 8) take the Employer's software, documents, databases and other assets off the Employer's premises without the knowledge and written consent of the supervisors,
- 9) set up passwords on files, databases, etc. without the consent of the Employer of a person designated by the Employer,
- 10) install additional software, in particular commercial software not purchased by the Employer.

### **Section 18**

1. In connection with the termination of employment relationship, the employee shall:
  - 1) return any tools, equipment and other property received from the Employer,
  - 2) leave the existing electronic database, files and folders on the computer equipment used intact,
  - 3) formally hand over the workstation by: preparing a list of current and outstanding tasks with their completion status; listing the documentation held; handing both over to the immediate supervisor or a designated employee; and providing any relevant information concerning the tasks in progress,
  - 4) return to the Employer the original powers of attorney, authorisations and business stamps,
2. The head of the organisational unit shall be responsible for the due performance of the duties referred to in paragraph 1 by the employee subordinate to them.
3. The human resources officer shall be responsible for the proper performance of the duties referred to in paragraph 1 by the employees holding self-contained positions.

## **CHAPTER III**

### **Obligation of equal treatment at work and the prevention of psychological harassment**

#### **Section 19**

1. Employees should be treated equally with regard to the establishment and termination of employment relationship, terms and conditions of employment, promotion and access to upskilling/training, irrespective of their gender, age, disability, race, religion, nationality, political views, trade union membership, ethnic origin, religion, sexual orientation, marital and family status, place of residence or domicile, height or obesity, and irrespective of whether they are employed for a definite or indefinite period or whether they are employed on a full-time or part-time basis.

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2. Equal treatment in employment means that they won't be discriminated in any way, directly or indirectly, for the reasons stipulated in paragraph 1.
3. Direct discrimination exists if an employee, on one or more of the reasons set out in paragraph 1, was, is or could have been treated less favourably than other employees in a comparable situation.
4. Indirect discrimination exists where, as a result of an apparently neutral provision, criterion applied or action taken, there is or would be a disadvantage or a particular disadvantage in respect of the establishment and termination of the employment relationship, terms and conditions of employment, promotion and access to training for the purposes of improving professional qualifications to all or a significant number of employees belonging to a group distinguished on one or more of the grounds referred to in paragraph 1, unless the provision, criterion or action is objectively justified in view of the legitimate aim pursued and the means of achieving that aim are appropriate and necessary.
5. A manifestation of discrimination within the meaning of paragraph 2 shall also be:
  - 1) the act of encouraging or ordering another person to violate the principle of equal treatment in employment,
  - 2) unwanted conduct with the purpose or effect of violating the dignity of an employee and creating an intimidating, hostile, degrading, humiliating or offensive environment towards them (harassment).

## **Section 20**

1. Discrimination based on gender is also any unwanted conduct of a sexual nature or relating to the sex of employee, which has the purpose or effect of violating the dignity of an employee and, in particular, of creating an intimidating, hostile, degrading, humiliating or offensive environment for the employee; this conduct may consist of physical, verbal or non-verbal elements (sexual harassment).
2. An employee's submission to harassment or sexual harassment, and taking action by an employee to resist harassment or sexual harassment, shall not result in any negative consequences for the employee.

## **Section 21**

1. Employees shall be entitled to equal pay for equal work or for work of equal value.
2. The remuneration referred to in paragraph 1 shall include all remuneration components, irrespective of their name and nature, as well as other work-related benefits granted to employees in cash or non-cash form.
3. Work of equal value is work the performance of which requires comparable professional qualifications from employees, confirmed by documents provided for in separate regulations or by practice and professional experience, as well as comparable responsibility and effort.

## **Section 22**

1. A person in respect of whom the Employer has violated the principle of equal treatment in employment is entitled to compensation in an amount not lower than the minimum remuneration for

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work, established on the basis of separate regulations.

2. The exercise by the employee of their rights for breach of the principle of equal treatment in employment cannot be the basis for unfavourable treatment of the employee, nor can it cause any negative consequences for the employee, in particular it cannot constitute a reason justifying termination of the employment relationship by the Employer or its termination without notice.

3. The provision of paragraph 2 shall apply respectively to the employee who has provided support in any form to the employee exercising their rights in the event of a breach of the principle of equal treatment in employment.

### **Section 23**

1. Psychological harassment shall mean activities or behaviours involving an employee or directed against an employee, involving persistent and sustained harassment or intimidation of an employee, causing an underperformance assessment, aimed to or intended to intimidation or humiliation of the employee, isolation or elimination of the employee from a team of associates.

2. Psychological harassment in any form is not permitted.

3. The employer shall respond to any perceived and reported suspicion of discrimination or psychological harassment in the workplace in order to eliminate them.

4. Heads of organisational units and other direct supervisors of employees shall:

- 1) respond immediately to any suspicion of discrimination and psychological harassment they observe or that is reported by a subordinate employee in a manner designed to eliminate the discrimination and psychological harassment,
- 2) submit to the Director proposals to uphold the principle of equal treatment in employment,
- 3) participate in training courses organised by the Employer on counteracting psychological harassment and discrimination.

### **Section 24**

1. The procedure to be followed in the event of suspected or reported psychological harassment or discrimination shall be set out in a separate order of the Director.

2. The applicable provisions on equal treatment in employment and counteracting psychological harassment shall be made available by the human resources officer acting on behalf of the Employer.

## CHAPTER IV

### Order and organisation of work

#### The conditions of being on the premises during and after work

#### Employee Recruitment

#### Section 25

1. Acts covered by labour law shall be carried out by the Director or a person authorised by the Director.
2. The decision to employ a candidate, including a candidate selected following a selection process for a scientific position, shall be taken by the Director.
3. The establishment of the employment relationship and the determination of the employment and remuneration conditions, regardless of the legal basis of that relationship, shall require a consensual declaration of intent by the Employer and the employee.
4. The employment of academic researchers shall be made by means of a competition, the manner and procedure of which shall be determined by the Institute's Scientific Board in separate regulations.
5. The newly hired employee, prior to commencing work, shall receive a written contract of employment specifying the type and place of work, the working hours, the starting date and the period of employment, and the remuneration, broken down into separate components.
6. A newly hired employee shall:
  - 1) submit an updated medical certificate stating that there are no contraindications to be hired for a given position,
  - 2) read and understand internal rules and regulations,
  - 3) read and understand the provisions on equal treatment in employment and counteracting psychological harassment,
  - 4) receive training in occupational health and safety at work and fire regulations,
  - 5) receive training in data protection and read and understand the rules on data protection in place at the Institute,
  - 6) complete the induction training,
  - 7) fill the documents necessary for employment in the given position, in accordance with labour law provisions.
7. The human resources officer, on behalf of the Employer, shall familiarise newly hired employees with the following before they commence work:
  - 1) basic employee rights and obligations under the applicable legislation,

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- 2) the regulations in force, the Director's basic orders and instructions concerning the organisation of work and the functioning of the Institute, and the rights and obligations of an employee, including those relating to equal treatment in employment, in the form of written information.

8. The immediate supervisor shall indicate the place of work to the newly hired employee and familiarise them in detail with the responsibilities and tasks, giving appropriate instructions on how to perform the work in the designated position.

9. If required for a given position, the immediate supervisor shall provide equipment ensuring the proper safeguarding of entrusted property, in particular cash and other valuable assets, as well as stamps and documents of particular importance.

### **Section 26**

1. Employees may be present on the Institute's premises outside working hours only in duly justified cases, on the instructions of or upon the consent of their immediate supervisor, with the exception of the employees hired in scientific posts carrying out duties under the task-based working time system.

2. Academic researchers may be present on the Institute's premises during their chosen working hours except at night.

### **Section 27**

1. An employee who is under the influence of alcohol, drugs or other psychoactive substances shall not be allowed to work and shall leave the workplace when ordered to do so by their supervisor.

2. If the state of intoxication is evident, the immediate supervisor shall draw up an appropriate note based on the account of the witness or witnesses to such an incident, or on their own observation, and submit it to the Director.

3. If the employee's state of intoxication is not evident, the immediate supervisor may report it to the relevant services and require the employee to submit to an alcohol test.

4. If the employee disputes an allegation of alcohol consumption, they shall have the right to request that the relevant authorities be called to carry out an alcohol test.

### **Section 28**

1. Every employee shall submit to the instructions given by their immediate superior.

2. If the employee is convinced that an order is unlawful or erroneous, they shall inform their immediate superior of this fact in writing.

3. If the order is confirmed in writing, the employee shall carry it out and notify the Director.

4. The employee shall have the right to refuse to comply with such order if they are convinced that doing so would result in the commission of a criminal or other offence, or is likely to cause irrecoverable damage, which shall be immediately reported to the Director.

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## **Section 29**

1. The organisation of work in the organisational unit and direct supervision of compliance with disciplinary rules shall be the head's responsibility.
2. Heads of organisational units shall be required in particular to:
  - 1) familiarise newly hired employees with their responsibilities and how to carry out their work in their designated positions,
  - 2) duly organise the work of subordinates, appropriately allocate responsibilities and assign tasks in a manner that ensures their effective and timely completion,
  - 3) direct, coordinate and supervise the work of their subordinates,
  - 4) ensure that employees are familiar with the applicable legal regulations relevant to their duties, support the development of their skills and qualifications, and request appropriate training opportunities for them.
  - 5) familiarise workers with how to secure materials, documents, equipment and tools.
3. Heads of organisational units shall be responsible for familiarising employees with the content of the Director's orders, work orders and other internal documents relevant to the position held.

## **Section 30**

Each employee shall secure, upon completion of his work, the premises and the equipment entrusted to them and put the workplace in order. The employee shall, in particular:

- 1) properly safeguard classified information, personal data and documents containing state, official and business secrets, as well as the seals, tools and equipment entrusted to them,
- 2) check that equipment that should not be running when the employees are absent has been switched off,
- 3) close the windows and doors,
- 4) hand over to the secretariat staff the keys to the lab in which their workstation is located.

## **Section 31**

1. The handover of tools and equipment entrusted to the employee by the Employer for use shall be recorded in the "equipment record card". The employee shall account for the tools and equipment entrusted to them by the Employer when changing jobs or terminating the employment relationship.
2. The return of tools and equipment handed over to the employee during employment in connection with the termination or discontinuation of employment relationship shall be recorded in the "equipment record card".

## **Section 32**

1. The employee entrusted with either a duty to return or to account for:
  - 1) cash, securities or other property,
  - 2) tools and instruments or similar items, as well as personal protective equipment. The

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- employee shall bear full responsibility for damage caused to such property.
2. The employee shall also be fully liable for damage to property, other than that referred to in paragraph 1, which has been entrusted to them with an obligation to return it or account for it.
  3. The employee may be exempted from the liability referred to in paragraphs 1 and 2 if they prove that the damage was caused by reasons beyond their control and, in particular, by the Employer's failure to ensure the conditions under which the entrusted property could be safeguarded.

## **CHAPTER V**

### **Working time systems and schedules**

#### **Section 33**

1. Employees of the Institute shall follow the basic working time system, without prejudice to the provisions of sections 34 and 35.
2. Working time under the basic working time system may not exceed 8 hours per day and an average of 40 hours per week in an average five-day working week in the adopted settlement period.
3. The settlement period for the basic working time system shall cover three consecutive calendar months. The first days of the accounting periods shall be 1 January, 1 April, 1 July and 1 October of a given calendar year.

#### **Section 34**

In justified cases, at the substantiated request of the employee, the Employer may establish a different working time system and schedule for the employee (individual working time schedule).

#### **Section 35**

1. The working time of academic researchers shall be determined by the scope of their tasks (task-based working time system).
2. Technical and scientific workers (specialists) and engineering staff may be subject to task-based working time system upon the approval of the Institute Director, if justified by the nature, organisation, or location of the work to be performed.
3. For academic researchers subject to the task-based working time system:
  - 1) the scope of tasks shall set out in each researcher's individual research programme and shall be monitored by analysing reports submitted within a period to be determined by the Employer, at least once per calendar year,
  - 2) tasks should be set so that a full-time employee may complete them in a maximum of 8 hours per day and an average of 40 hours per week in an average five-day working week. Taking into account this working time, the Employer shall, in consultation with the employee, determine the time necessary to perform the assigned tasks. If, on the instructions of the Employer, the employee has performed work in excess of normal working hours, such an employee shall be entitled to overtime pay.
4. Academic researchers may work at any time, but they shall provide the human resources officer

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with contact details to ensure the Employer can reach them by phone and email during the Institute's basic working hours.

5. Academic researchers shall be present at the workplace twice a week for 2 hours.

### **Section 36**

The following working time schedule shall be established for the Institute's employees:

- 1) under the basic working time system – Monday to Friday, 8.00 a.m. to 4.00 p.m.,
- 2) under the task-based working time system – Monday 6 a.m. to Sunday 10 p.m., taking into account public holidays.

### **Section 37**

1. Work performed in excess of the working time schedule applicable to the employee, as well as work performed in excess of the extended daily working time schedule resulting from the working time system and schedule applicable to the employee, shall constitute overtime work.

2. Such work shall be permitted when it is necessary to carry out emergency action to protect human life or health, to protect property or the environment, or to remedy a failure, and, when required by the needs of the Institute, exceptionally at night, on Sundays or public holidays.

3. Overtime work shall be based on a written official order from the head of the organisational unit, subject to the Director's approval. Overtime should not be required for tasks that can be completed during normal working hours with proper planning.

4. The requirement for a written official shall not apply to overtime work performed when it is necessary to carry out emergency action to protect human life or health, to protect property or the environment, or to remedy a failure.

5. The Director, the Deputy Directors, the Chief Accountant and the supervisors shall, if necessary, work outside normal working hours without pay, subject to paragraph 6.

6. Heads of separate organisational units shall be entitled to overtime pay for work:

- 1) performed on Sundays and public holidays, if they have not been granted another day off in lieu of work on such a day,
- 2) when it is necessary to perform tasks that are not related to the basic tasks of their organisational unit.

### **Section 38**

1. Weekly working time, including overtime, may not exceed an average of 48 hours in the settlement period. The above shall not apply to the employees who manage the workplace on behalf of the Employer.

2. The number of overtime hours an Employee may work, in connection with the Employer's special needs, shall not exceed 250 hours in a given calendar year.

3. The permitted daily number of working hours, including overtime, shall not undermine the employee's right to at least 11 hours of uninterrupted daily rest.

4. For part-time employees, the Employer shall determine in the contract of employment the permissible number of hours of work in excess of the contracted hours.

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### **Section 39**

1. The employee shall be entitled to at least 11 hours of uninterrupted rest each day.
2. Paragraph 1 shall not apply to employees who manage the workplace on behalf of the Employer or to cases of rescue operation to protect human life or health, to protect property or the environment, or to remedy a failure. In this case, the employee shall be entitled to an equivalent rest period during the settlement period.

### **Section 40**

1. Employees shall be entitled to a minimum of 35 hours of uninterrupted rest each week, which must include at least 11 hours of uninterrupted daily rest.
2. The 35-hour rest period shall include Sundays. Sunday starts at 6.00 a.m. on this day and covers 24 consecutive hours.

### **Section 41**

Night time shall mean 8 hours from 8.00 p.m. until 6.00 a.m. on the following day.

### **Section 42**

1. Sundays and public holidays shall be defined by separate regulations as non-working days.
2. Working on Sundays and public holidays shall mean work performed between 6.00 a.m. on that day and 6.00 a.m. on the following day.
3. An employee working on a Sunday shall be granted a substitute day off by the Employer within the 6 calendar days preceding or following such Sunday or, if this is not possible, within the settlement period.
4. An employee working on a public holiday shall be granted another day off within the settlement period by the Employer.

### **Section 43**

1. The employee shall be entitled to a 15-minute break each working day, with pay, which may be taken outside the workplace.
2. The employee shall be entitled, after each hour of uninterrupted work at a screen monitor, to a break of at least 5 minutes. The break shall be included in working time.

### **Section 44**

The records of hours worked by the employee, including overtime, shall be kept by the human resources officer acting on behalf of the Employer.

### **Section 45**

1. Monitoring shall be carried out on the Employer's premises to ensure that work is organised efficiently, making full use of working time and ensuring proper use of the tools provided to the employee. The following shall be monitored:
  - 1) business mailbox of the employee,
  - 2) internet access by the employee,

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- 3) use of computer hardware and software by the employee,
2. Monitoring of the employee's business mailbox does not violate the confidentiality of correspondence or other personal rights of the employee.
3. Monitoring of the employee's internet access shall include: identification of the employee accessing internet resources, websites visited, and the time and date of access.
4. The monitoring referred to in paragraph 1 shall be carried out continuously by electronic means. Access to the records by authorised persons shall be granted upon request – there is no continuous monitoring of the records.
5. For the purpose of monitoring telecommunications expenses and ensuring the proper use of a business mobile phone by the employee, the employer may monitor phone calls, SMS/MMS, and data transmission based on itemised billing records.

## **CHAPTER VI**

### **The manner in which lateness and absences from work are excused, and leave of absence and holidays are granted**

#### **Section 46**

1. The employee should give the Employer advance notice of the reason and expected period of absence from work if the reason for the absence is known or foreseeable in advance, providing the relevant information to the supervisor and the human resources department officer.
2. In the event of non-attendance at work for unforeseeable reasons, the employee shall immediately notify their immediate supervisor and the human resource officer of the reason their absence and its expected duration, no later than the second day of absence.
3. The notice referred to in paragraph 2 shall be given by the employee in person or by another person, by telephone or other means of communication or by post, in which case the notice shall be effective as of the date of posting.
4. Failure to comply with the time limit provided for in paragraph 2 may be justified by special circumstances preventing the employee from timely complying with the obligation set in that provision, in particular serious illness combined with the absence, the absence of household members, or any other unforeseeable circumstance. The provision of paragraph 2 shall apply respectively once the reasons preventing timely notification of the Employer of the reason and duration of the employee's absence from work have ceased.

#### **Section 47**

Evidence to justify absence from work shall be:

- 1) medical certificate of temporary incapacity for work, issued in accordance with the rules on adjudicating of temporary incapacity for work.
- 2) decision by the competent national sanitary inspector, issued in accordance with the provisions on tackling infectious diseases, in the event of isolation of the employee for reasons provided for by those provisions,
- 3) statement from the employee in the event of circumstances justifying the need for the employee to personally care for a healthy child under 8 years of age due to unforeseen closure

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im. Ludwika i Aleksandra Birkenmajerów  
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of a day nursery, kindergarten or school attended by the child,

- 4) employee's statement regarding the illness of the nanny or day-care worker, along with a copy of the medical certificate referred to in Article 55(1) of the Act of 25 June 1999 on cash benefits from social insurance in the event of sickness and maternity, or a copy of a medical certificate issued on an ordinary form stating the nanny's or day-care worker's inability to work, certified by the employee as a true copy of the original – in the event of the illness of a nanny with whom the parents have entered into an activation agreement referred to in the Act of 4 February 2011 on the care of children up to the age of 3 (Polish Journal of Laws of 2013, item 1457), or a day-care worker, providing care for the child,
- 5) personal summons to appear in person issued by the competent authority in matters of general duty of defence, a governmental or local government body, a court, a public prosecutor's office or the police – as a party or a witness in proceedings conducted before these authorities, containing a note confirming that the employee appeared in response to the summons,
- 6) statement from the employee confirming the need to undertake a business trip at night, completed at such a time that 8 hours have not elapsed before the start of work, under conditions that do not allow night rest.
- 7) statement by the employee indicating the events which prevent the employee from attending and performing work, as well as other cases of inability to perform work indicated by the employee and recognised by the employer as justifying absence from work.

#### **Section 48**

1. The employee may be excused from work for the time necessary to handle an important personal matter on the basis of a written request for such leave. This leave shall only be permitted upon the prior consent of the immediate supervisor.
2. No remuneration shall be paid for time spent on handling private matters during working hours unless the time is made up for by the employee at a time agreed with the immediate supervisor. Making up for the leave shall not constitute overtime.

#### **Section 49**

1. The Employer shall grant the employee leave from work if such obligation arises from the Labour Code, implementing regulations to the Labour Code or other provisions of labour law.
2. The employee shall be entitled to leave of absence with remuneration at the time indicated by the Employee for the period of:
  - 1) 2 working days – in the event of the marriage of the employee, the birth of their child or the death and funeral of the employee's spouse or their child, father, mother, stepfather or stepmother,
  - 2) 1 working day – in the event of the wedding of the employee's child or the death and funeral of the employee's sister, brother, mother-in-law, father-in-law, grandmother, grandfather or any other person dependent on employee or under employee's direct care.
3. The employee shall be entitled to leave of absence with half pay of 2 days or 16 hours per calendar year to handle urgent family matters caused by illness or accident, if the employee's immediate presence is necessary.
4. The employee shall be entitled to carer's leave of 5 days per calendar year, without pay, in order to

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im. Ludwika i Aleksandra Birkenmajerów  
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provide personal care or support to a relative or person living with the employee in the same household who requires substantial care or significant support for medical reasons.

### **Section 50**

1. Every employee, with the exception of employees who work on a task-based working time system, shall:
  - 1) commence work on time;
  - 2) if the employee is late for work, they must report immediately to their immediate supervisor to excuse the lateness.
2. The employee shall confirm their attendance immediately upon arrival at work by signing the attendance list with their own signature, with the exception of employees working under the task-based working time system.
3. If the fact of arrival at work is not confirmed in the manner referred to in paragraph 2, the employee shall be deemed not to be at work, and the burden of proof in such a case shall rest with the employee.
5. Decisions on whether absence from work or lateness is considered excused or not excused shall be made by the Employer.

### **Section 51**

1. The diligent completion of the attendance register shall be checked on an ongoing basis by the human resources officer.

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2. In the case of business trips outside the employee's designated workstation, the employee shall make an entry in the business trip register, including the purpose, location, and departure and return times of the business trip.

### **Section 52**

1. The employee shall be entitled to annual, uninterrupted and paid leave in the amount and according to the rules set out in the Act on the Polish Academy of Sciences and the Labour Code. The employee may not waive the right to leave.
2. The employee should take their holiday leave in the calendar year in which they acquire the right to this leave.
3. Annual leave may be divided into parts. In this case, however, at least one part of the holiday should last for no less than 14 consecutive calendar days.
4. Annual leaves shall be granted in accordance with the leave schedule. The leave schedule shall be established taking into account the requests of the employees and the needs of the Employer to ensure the uninterrupted course of work.
5. Leave schedule proposals shall be drawn up by heads of organisational units, in consultation with employees, and submitted to the Employer for approval. In the case of employees in self-contained positions, the leave schedule shall be agreed with the Director or their deputy, in accordance with the subordination rules set out in the organisation chart.
6. The leave plan should be communicated to employees no later than by 31 March of each calendar

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im. Ludwika i Aleksandra Birkenmajerów  
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year.

7. The leave plan does not include 4 days of leave granted to the employee “on request”.

#### **Section 53**

1. The employee may only commence leave upon the written consent of the Employer on the leave request.

2. At the written request of the employee or due to special needs of the Employer, the leave of absence may be granted on a date other than that indicated in the leave schedule. In such a case, the employee shall indicate in the request for a change of annual leave date which specific days of leave are to be changed and the new dates on which the same number of leave days shall be taken.

3. The Employer shall be obligated to grant, at the request of the employee and at the time indicated by employee, no more than 4 days of holiday leave in each calendar year (“leave on request”). The employee shall make a request for this leave no later than the date on which the leave commences.

#### **Section 54**

Leave shall be granted on behalf of the Employer:

- 1) to employees of organisational units – by the respective heads of these units,
- 2) to heads of organisational units and employees in self-contained positions – in accordance with their official subordination: by the Deputy Director, Chief Accountant or Director,
- 3) to the Deputy Director and the Chief Accountant – by the Director.

### **CHAPTER VII**

#### **Remuneration for work**

#### **Section 55**

1. The remuneration shall be paid monthly, in arrears, no later than the on last working day of each calendar month.

2. The remuneration, subject to paragraph 3, shall be paid to the bank account indicated by the employee.

3. At the written request of the employee, remuneration may be paid in cash.

#### **Section 56**

1. The Employee shall, at the request of the employee, make available to them for inspection the documents on the basis of which their remuneration has been calculated.

2. The amount of remuneration for work and other cash considerations arising from the employment relationship shall be considered a personal right of the employee and shall be kept confidential. The Employer and all persons whose duties involve matters related to employee remuneration shall maintain the confidentiality of the above.

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im. Ludwika i Aleksandra Birkenmajerów  
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## **CHAPTER VIII**

### **Protection of women's work**

#### **Section 57**

1. Women must not be employed in work that is particularly arduous or harmful to their health.
2. Regarding heavy lifting at work:
  - 1) when manually lifting and carrying loads in excess of:
    - a) 12 kg – if the work is carried out continuously,
    - b) 20 kg – if the work is carried out on a casual basis (up to 4 times per hour during a work shift),
  - 2) when loads are carried manually uphill (on ramps and stairs):
    - a) 8 kg – if the work is carried out continuously,
    - b) 15 kg – if the work is carried out on a casual basis (up to 4 times per hour during a shift),
3. A pregnant or breastfeeding woman shall not be permitted to lift loads during the work referred to in paragraph 1:
  - 1) if the norms set out above are exceeded,
  - 2) when working in a forced posture,
  - 3) when working in a standing position for a total period exceeding three hours during a shift,
4. Auxiliary equipment should be used when handling loads manually, if necessary. The weight of the load including auxiliary equipment shall not exceed the limits set out in paragraph 1.

#### **Section 58**

1. A pregnant employee shall not be employed at night and on Sundays and public holidays, and delegated outside the permanent workplace without their consent.
2. Pregnant women shall not:
  - 1) work with screen monitors for more than 4 hours a day,
  - 2) carry out work at heights. Such work includes climbing up and down ladders, participating in firefighting, disaster recovery.

#### **Section 59**

The Employer shall assign the pregnant woman another suitable work if:

- 1) she is assigned to work prohibited for pregnant women,
- 2) she submits a medical certificate stating that she should not perform her current job due to her pregnancy condition.

#### **Section 60**

1. A breastfeeding employee shall be entitled to two half-hour breaks, counted as working time, and an employee who is breastfeeding more than one child shall be entitled to two breaks of 45 minutes

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im. Ludwika i Aleksandra Birkenmajerów  
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L. & A. Birkenmajer Institute for the History of Science  
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each. At the request of the employee, these breaks may be granted cumulatively.

2. The employees working for less than 4 hours a day is not entitled to breastfeeding breaks. If the employee's working hours do not exceed 6 hours per day, she is entitled to one breastfeeding break.

#### **Section 61**

1. The employee raising at least one child up to the age of 14 shall be entitled to 16 hours or two days off with pay per calendar year.

2. The employee raising a child up to the age of 8 years, may submit a written or electronic request for flexible working arrangements to be applied. The request shall be submitted not less than 21 days before the planned start of the use of flexible working arrangements.

3. The employee caring for a person in need of constant care or raising a child up to the age of 8 years may not be employed overtime, at night, or on Sundays and public holidays without their consent.

### **CHAPTER IX**

#### **Obligations concerning occupational health and safety at work and fire protection**

##### **Section 62**

The Employer and employees shall strictly comply with occupational health and safety and fire protection regulations and rules.

##### **Section 63**

1. The Employer shall be responsible for the state of occupational health and safety at the Institute.

2. The Employer shall in particular:

- 1) assess and record the occupational risks associated with the work and apply the necessary preventive measures to reduce the risks,
- 2) inform their employees of the occupational risks involved in their work and of the principles of protection against these risks,
- 3) carry out periodic risk assessments on their own initiative or at the request of the occupational health and safety committee.

3. The human resource officer shall communicate occupational risks at work in the following situations:

- 1) before the newly recruited employee commences work,
- 2) in the event of a move to another position, if the different occupational risks are associated with the new position;
- 3) each time working conditions deteriorate.

4. Heads of department shall:

- 1) organise work in a manner that ensures safe and healthy working conditions,
- 2) ensure that personal protective equipment is in working order and is used as intended,
- 3) organise, prepare and carry out work, taking into account the protection of workers against

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im. Ludwika i Aleksandra Birkenmajerów  
POLSKIEJ AKADEMII NAUK

L. & A. Birkenmajer Institute for the History of Science  
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occupational accidents, occupational diseases and other diseases related to the working environment,

- 4) ensure that work premises and technical equipment are in a safe and hygienic condition and that collective protection equipment is in working order and used as intended,
- 5) enforce compliance of employees with health and safety rules and regulations,
- 6) ensure that the recommendations of the doctor in charge of the employees' health care are followed,
- 7) make available to the occupational health and safety services and the social labour inspectorate any information that may affect the safety and health protection of workers.

#### **Section 64**

Compliance with health and safety rules and regulations shall be the employee's primary duty. In particular, the employee shall be obligated to:

- 1) know the regulations and rules of occupational health and safety and participate in training and instruction in this field as well as undergo the required check-up examinations,
- 2) perform work in a manner consistent with occupational health and safety regulations and comply with the instructions and guidance given in this respect by supervisors,
- 3) ensure that the tools and equipment are in good condition and that the workplace is kept in good order and tidy,
- 4) use means of collective protection and use assigned personal protective equipment as well as work clothes and shoes in accordance with their intended purpose,
- 5) cooperate with their superiors and the Employer, in particular with the occupational health and safety service acting on their behalf, in the fulfilment of their duties concerning occupational health and safety at work.

#### **Section 65**

1. Every newly hired employee shall receive introductory training, including general instruction, induction training and periodic training, as well as fire protection training.
2. The employee shall confirm in writing that they has received general instruction and induction training.
3. The employee shall not proceed to work without knowledge of the provisions and general occupational health and safety rules in force at the Employer's, as well as the rules applicable to the position held.
4. Employees shall be subject to periodic training on occupation health and safety at work and fire protection regulations, the frequency and duration of which are determined by law.

#### **Section 66**

1. Any employee who notices an accident shall provide immediate assistance to the injured employee and immediately notify their immediate supervisor of any accident or danger to human life or health noticed at the workplace and warn co-workers, as well as other persons in the area of danger, about the threat.
2. The employee's immediate supervisor shall notify the human resources officer and the

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im. Ludwika i Aleksandra Birkenmajerów  
POLSKIEJ AKADEMII NAUK

L. & A. Birkenmajer Institute for the History of Science  
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occupational health and safety specialist of any accident noticed at the workplace.

3. The employee who suffers an accident at work shall, if their state of health so permits, report the accident immediately to their supervisor, who must secure the accident area and notify the Employer. Model work accident report is attached as Appendix 2 to the Regulations.

4. The employee who suffers an accident on their way to or from work shall notify the Employer through their supervisor immediately or when the obstacles preventing immediate notification are no longer present. Model work accident report is attached as Appendix 3 to the Regulations.

5. The employee who suffers an accident in the cases referred to in paragraphs 3 and 4 shall be entitled to the benefits specified in separate regulations.

#### **Section 67**

1. The Employer shall secure the lab area against fire or other local hazards.

2. In providing fire protection, the Employer shall, in particular:

- 1) comply with the fire protection requirements set forth in the applicable regulations,
- 2) equip the building, facility or site with fire-fighting and rescue equipment and extinguishing agents in accordance with the rules laid down in separate regulations,
- 3) ensure that the equipment and devices referred to in point 2 are maintained and repaired in accordance with rules and requirements ensuring their efficient and reliable operation,
- 4) ensure that the occupants of a building, structure or site are safe and able to evacuate,
- 5) prepare the building, structure or site for rescue operations,
- 6) familiarise workers with fire protection regulations,
- 7) establish the procedures to be followed in the event of a fire or other local emergency.

#### **Section 68**

The employee shall comply with fire safety regulations and rules. They shall, in particular:

- 1) be aware of fire risks in the workplace and the measures to prevent the start and spread of fire,
- 2) observe the applicable instructions, regulations and fire safety requirements,
- 3) be aware of the procedures to be followed in the event of a fire, know the location of fire-fighting equipment and appliances and know how to operate hand fire-fighting equipment,
- 4) know the rules for carrying out the safe evacuation of persons and property,
- 5) participate in rescue and fire-fighting operations by complying with the instructions of their leader and following them in the event of a fire or other hazards,
- 6) take part in trainings and fire drills,
- 7) immediately report faults that may cause a fire to the persons competent to rectify them,
- 8) comply with the applicable fire protection regulations and instructions in the area of the post.
- 9) use the machinery and equipment entrusted to him in such a way as not to pose a fire risk (observe the operating instructions and exercising supervise the operation of the equipment).

## **CHAPTER X**

### **Preventive health care**

#### **Section 69**

1. The Employer provides employees with free preventive health care.
2. The employees who operate computer monitors for at least 4 hours per day shall receive a subsidy for the purchase of corrective glasses, under the terms stipulated by a separate order.

#### **Section 70**

1. The Employer shall refer the following persons for medical examinations:
  - 1) candidate selected for employment – for the pre-employment medical examination,
  - 2) employee – for periodic and follow-up medical examinations, under the terms set forth in separate provisions.
2. The employee shall undergo initial, periodic and follow-up medical check-ups as well as other prescribed medical examinations, and follow medical instructions.
3. Preventive medical examinations shall be carried out at the employer's expense and, where possible, should be performed during working hours.
4. The examinations referred to in paragraph 2 may only be carried out in an authorised occupational health centre with which the Employer has entered into an agreement on occupational health services.

#### **Section 71**

1. The Employer shall identify the hazards present in the workplace by recording them on the workplace risk sheet.
2. The employee's supervisor shall familiarise the employee with the workplace risk assessment sheet. The above shall be confirmed by the employee in an appropriate written statement.

## **CHAPTER XI**

### **Employees' liability for the maintenance of order, with the exception of academic researchers and technical and scientific workers**

#### **Section 72**

1. For the employee's failure to comply with the established organisation and order in the work process, occupational health and safety regulations, fire regulations, as well as the accepted method of confirming arrival and presence at work and excusing absence from work, the Employer may apply:
  - 1) admonition,
  - 2) reprimand.
2. A financial penalty may also be imposed for the employee's failure to comply with health and safety or fire safety regulations, leaving work without justification, coming to work while intoxicated

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im. Ludwika i Aleksandra Birkenmajerów  
POLSKIEJ AKADEMII NAUK

L. & A. Birkenmajer Institute for the History of Science  
Polish Academy of Sciences

or consuming alcohol while at work.

3. The financial penalty for a single violation, as well as for each day of unexcused absence, may not exceed the amount of one day's remuneration of the employee, and the total amount of financial penalties may not exceed 10% of the remuneration due to the employee after the deductions referred to in Article 87(1)(1)–(3) of the Labour Code.

### **Section 73**

In applying the penalty, particular consideration shall be given to the nature of the breach of the employee's duties, the degree of the employee's fault and the employee's previous attitude to work.

### **Section 74**

A breach of established work order and discipline by the employee includes:

- 1) performing work not related to the tasks arising from the employment relationship,
- 2) unexcused absence from staff meetings convened by the Institute's Director, Deputy or supervisors,
- 3) unexcused and unauthorised departure from the workplace,
- 4) disturbing the peace and order in the workplace,
- 5) inappropriate attitude towards superiors, colleagues and clients,
- 6) failure to observe official secret and other secrets protected by law,
- 7) causing damage to the Employer resulting from a failure to exercise due diligence,
- 8) failure to comply with the Employer's information security rules, including in particular the protection of personal data,
- 9) misusing the Employer's property.

### **Section 75**

1. The reprimand may not be applied after the expiration of 2 weeks after learning of the violation of an employee's duty and after the expiration of 3 months after the violation was committed.
2. The penalty may only be applied after the employee has been heard.
3. If, due absence at work, the employee cannot be heard, the two-week time limit provided for in paragraph 1 shall not commence and shall be suspended until the date on which the employee is present at work.

### **Section 76**

The Employer shall notify the employee in writing of the penalty applied, indicating the type of infringement and the date on which the employee has committed the infringement, and informing them of the right to object and the time limit for lodging the objection. A copy of the notice shall be filed in the employee's personal file.

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im. Ludwika i Aleksandra Birkenmajerów  
POLSKIEJ AKADEMII NAUK

L. & A. Birkenmajer Institute for the History of Science  
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### **Section 77**

1. If a penalty has been applied in violation of the law, the employee may, within 7 days of being notified of the penalty, file an objection. The Employer shall decide whether to accept or reject the objection after considering the position of the trade union organisation representing the employee. Failure to reject an objection within 14 days of its filing shall be deemed to constitute acceptance of the objection.
2. The employee who has lodged an objection may, within 14 days from the date of notification of the rejection of that objection, apply to the labour court to have the penalty revoked.
3. In the event that an objection to the fine applied is upheld or the fine is revoked by the labour court, the Employer shall reimburse the employee the equivalent amount of the fine.

### **Section 78**

1. The penalty shall be considered null and void and a copy of the penalty notice shall be removed from the employee's personnel file after one year of impeccable work. The Employer may, on its own initiative or at the request of the trade union organisation representing the employee, declare the penalty null and void before the lapse of this period.
2. The provision of paragraph 1 shall apply respectively if employee's objection is upheld or the labour court decides to revoke the penalty.

### **Section 79**

1. Gross disruption of work order and discipline shall be considered any serious disturbance of work order and discipline, particularly:
  - 1) reporting for work or being on the premises of the Institute when while intoxicated (i.e. when blood alcohol level exceeds 0,5‰ or alcohol per 1 dm<sup>3</sup> of air exhaled exceeds 0.25 mg or leads to a level in excess of these values), having used narcotics or other intoxicants,
  - 2) consumption during working time of the substances referred to in point 1 above,
  - 3) unexcused absence from work,
  - 4) bullying, psychological harassment, discrimination against other employees,
  - 5) misappropriation of the Employer's property (including the Employer's documents, stamps and keys) and attempted theft of the Employer's property,
  - 6) causing intentional damage to the Employer,
  - 7) notifying the Employer of the act to his detriment as soon as they have such knowledge,
  - 8) undertaking corrupt activities,
  - 9) failure to comply with occupational health and safety and fire safety regulations, posing a risk to health, life or property,
  - 10) failure to comply with data protection regulations, through an act or omission, which results in a breach of data protection,
  - 11) unlawful and wilful refusal to carry out the supervisor's instructions which affects the Employer's material interests,
  - 12) disregarding the authority of superiors and the instructions of the immediate supervisor,

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- 13) using stamps and business documents for purposes other than carrying out the Employer's business activity,
  - 14) culpable (wilful misconduct or gross negligence) failure to carry out periodic or follow-up medical examinations.
2. The employee may have their contract of employment terminated without notice due to a serious violation of fundamental occupational duties.

## **CHAPTER XII**

### **Disciplinary liability of academic researchers and technical and scientific workers**

#### **Section 80**

Academic researchers and technical and scientific workers employed by the Institute shall be liable to disciplinary action for any gross violation of duties and undignified behaviour.

#### **Section 81**

1. Disciplinary penalties applicable to academic researchers and technical and scientific workers shall be:
  - 1) admonition,
  - 2) reprimand,
  - 3) reprimand with a ban on discharging managerial responsibilities at the Institute for a period of up to 5 years.
2. A copy of the substantiated decision on the disciplinary penalty shall be included in the personal file of the academic researcher or technical and scientific worker.
3. The admonition for minor disciplinary offences shall be imposed by the Director of the Institute after a hearing of the academic researcher or technical and scientific worker.
4. The technical and scientific worker who has been given a reprimand by the Director may appeal to the disciplinary board. The appeal shall be lodged within 14 days from the date the reprimand notice has been served. However, the board may not impose a more severe penalty.

#### **Section 82**

1. Disciplinary proceedings pertaining to the academic researchers and technical and scientific workers shall be decided by:
  - 1) in the first instance – the disciplinary board at the IHN PAN, consisting of three members,
  - 2) in the second instance – the disciplinary board the affairs of the academic researcher or technical and scientific worker employed at the scientific bodies at the President of the Polish Academy of Sciences, composed of three members.
2. The chair of the adjudicating panel shall be an academic researcher, who holds a position no lower

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than that of the accused.

3. The disciplinary board at the Institute shall be elected. The procedure for the election of board members shall be laid down in the Institute's statutes.
4. The disciplinary board at the President of the Polish Academy of Sciences shall be appointed by the President of the Academy.
5. Disciplinary boards shall be autonomous in their decisions.

### **Section 83**

1. The disciplinary board at the Institute shall decide independently on all factual and legal issues and shall not be bound by the decisions of other bodies applying the law, except for the final and binding court judgements and the opinions of the Committee on Ethics in Science referred to in Article 39 of the Act on the Polish Academy of Sciences.
2. The board's adjudicating panel shall take decisions and rulings by simple majority.
3. The term of office of the disciplinary board at the Institute shall be 4 years.

### **Section 84**

1. Disciplinary proceedings shall be initiated by the disciplinary board at the request of the disciplinary officer.
2. Disciplinary proceedings may not be initiated after the lapse of 6 months from the date on which the Director of the Institute or the President of the Polish Academy of Sciences became aware of the commission of an act justifying the imposition of a penalty and after the lapse of 5 years from the commission of the act. If the act constitutes a criminal offence, the time limit shall not be shorter than the limitation period for the prosecution of that offence, subject to paragraph 3.
3. The disciplinary officer shall initiate an *ex officio* investigation where a research academic or technical and scientific worker is alleged to have committed an act involving:
  - 1) usurpation of authorship or misrepresentation as to the authorship of all or part of another person's work,
  - 2) dissemination, without the name or alias of the author, of another person's work in its original version or as a compilation,
  - 3) infringing another person's copyright or related rights by any other means,
  - 4) manipulating research or the results of scientific research and development or committing other scientific fraud,
  - 5) accepting, in connection with the exercise of a function or position in a research unit, a financial or personal benefit or the promise of such benefit,
  - 6) trading in influence in a research unit, state or local government institution, inducing or convincing another person of the existence of such influence, and undertaking to act as an intermediary in exchange for a financial or personal benefit or a promise of such benefit.
  - 7) giving or promising to give a financial or personal benefit in exchange for acting as an

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intermediary in a matter involving a research unit, involving the influence on a decision, act or omission of a person holding a function or position in the scientific unit, in relation to that function or position.

4. If, during the period referred to in paragraph 2, disciplinary proceedings have been initiated, the punishability of the act giving rise to the penalty shall expire two years after the date of initiation.

5. The limitation period shall not apply to the initiation of disciplinary proceedings against the academic researcher or technical and scientific worker alleged to have committed an act referred to in points 1 to 5 of paragraph 3.

6. The disciplinary penalties referred to in clause 81.1 shall be expunged, and any decision on punishment attached to the personal file of an academic researcher or a research and technical employee shall be removed after three years. In the case of a ban on holding managerial positions at the Institute, the penalty shall be expunged after five years from the date the final and binding decision was delivered to the employee, provided that the employee has not been subject to disciplinary action or convicted by a final judgement of an intentional offence during that period.

### **Section 85**

1. The disciplinary officer at the IHN PAS shall be appointed by the Institute's Scientific Board from among its academic researchers.

2. When the Scientific Board of the Institute becomes aware of the commission of an act giving rise to disciplinary liability, it shall immediately instruct the disciplinary officer to initiate an investigation.

3. The term of office of the disciplinary officer shall be 4 years.

### **Section 86**

1. The accused shall have the right to be assisted by a counsel of their choice.

2. In the event that the accused refuses to participate in the proceedings, the proceedings may proceed in their absence.

3. The parties may lodge an appeal against the decision of the Disciplinary Board in the first instance to the committee at the President of the Polish Academy of Sciences within 14 days of the date of delivery of the substantiated decision.

4. The parties may lodge an appeal against a final and binding decision of the Disciplinary Board at the President of the Polish Academy of Sciences to the Court of Appeal in Warsaw – Division of Labour and Social Insurance. The provisions of the Code of Civil Procedure regarding the proceedings on appeal shall apply to the appeal. The decision of the Court of Appeal shall not be subject to last resort appeal (cassation).

5. Disciplinary proceedings concluded with a final decision may be resumed if they have been examined by a court of appeal and if:

- 1) gross violation of the law has occurred in connection with the proceedings, and there is a

justified basis to assume that the violation could have had a significant effect on the content of the ruling,

- 2) new facts or evidence, unknown at the time of the decision, come to light after the decision, indicating that the accused is not guilty, has been convicted of another act or the Board has unjustifiably discontinued the proceedings,
  - 3) during the proceedings, the rules were violated, thereby preventing or significantly hindering the accused from exercising their right to defence, or the composition of the Board did not meet the requirements set out in Article 110 of the Act on the Polish Academy of Sciences, or a person subject to exclusion was a member of the Board.
6. The resumption of disciplinary proceedings to the disadvantage of the accused shall not be admissible after the death of the accused or after the lapse of 3 years from the commission of the act on which the decision is based, and if the act constituted a criminal offence – after the lapse of the limitation period for the prosecution of that offence or if the penalty has been carried out and expunged.
7. A request for the resumption of disciplinary proceedings may be submitted within 30 days from the date of becoming aware of the reason justifying the resumption, by the accused, their defence counsel, the disciplinary officer, or, after the accused death or if there are justified doubts as to their sanity – by their spouse, direct relative by consanguinity or sibling.

### **Section 87**

1. The Director may suspend any academic researcher or technical and scientific worker against whom criminal or *disciplinary* proceedings have been instituted, or pending the preliminary investigation, in view of the gravity and credibility of the allegations made, to exclude them from their work.
2. The academic researcher or technical and scientific worker shall be suspended by operation of the law from the date of their pre-trial detention.
3. The suspension shall not last longer than 6 months, unless criminal proceedings are still pending against that academic researcher or technical and scientific worker.
4. The base remuneration of the academic researcher or technical and scientific worker during the period of suspension may be reduced, and in the case of a person subject to pre-trial detention, it shall be reduced to a maximum of 50%, depending on the family status of the academic researcher or technical and scientific worker, starting from the first day of the calendar month following the month in which the suspension took effect. During the period of suspension, no salary supplements or remuneration shall be paid for overtime work.
5. If *disciplinary* or criminal proceedings have been discontinued for lack of evidence of guilt or the judgement of acquittal is given, the academic researcher or technical and scientific worker shall be paid the remainder of the full remuneration.

## **CHAPTER XIII**

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## **Material liability of employees**

### **Section 88**

1. The employee entrusted with property with a duty to return or to account (e.g. cash, tools or materials) shall be materially liable for it up to its full value. The material liability of the employee in this respect shall be governed by the Labour Code (Articles 124 to 126 of the Labour Code).
2. The employee who, as a result of the non-performance or undue performance of their occupational duties through their fault, causes damage to the Employer shall be held materially liable according to the principles set out in the Code of Civil Procedure. (Section V, Articles 114-122).

## **CHAPTER XIV**

### **Personal data protection**

#### **Section 89**

1. The Employer shall be the Controller of personal data within the meaning of Article 4 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation), hereinafter referred to as GDPR.
2. The Employer shall comply with the provisions of the GDPR.
3. The Employer shall process employees' personal data in connection with the establishment of the employment relationship. For details, please refer to the information clause which is attached as Appendix 4 to these Regulations.
4. Only those employees who have been authorised to process personal data, within the scope of their official duties, have access to employees' personal data.
5. Personal data may be entrusted to other entities that support the Administrator in achieving the purposes of the processing. The transfer of this information shall only take place after the signature of a personal data entrustment agreement.

## **CHAPTER XIV**

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## **Final provisions**

### **Section 90**

1. The Employer's accepted method of notifying employees of the Director's orders, including the applicable rules and regulations and rules of conduct on matters set out in the order, shall to send them electronically to the official mailboxes.
2. Each employee shall regularly review the orders received via their official mailbox.
3. The effective dates of the Director's orders shall be calculated from the date on which they are sent to the official mailboxes.
4. The Institute's website contains a collection of all internal rules and regulations concerning the organisation and work order applicable at the Employer.
5. Other information may be made available on the Institute's website related to employment matters. These posts do not constitute the Director's orders, and employees shall not be required to comply with them. The information referred to in the first sentence shall be placed under a separate tab.

### **Section 91**

1. The following are responsible for overseeing compliance with the work regulations: Director, the Deputies and heads of organisational units.
2. In matters not covered herein, the provisions of the Labour Code and the acts implementing the Labour Code as well as the Act on the Polish Academy of Sciences shall apply.
3. The general meeting of employees shall select one representative in situations specified by applicable legal regulations that require consultation with the Employer, in accordance with the agreement entered into with the Employer.

Appendix 1 to the Regulations – Model statement of the acknowledgement of the Work Regulations

Annex 2 to the Regulations – Model work accident report

Annex 3 to the Regulations – Model notification of an accident on the way to or from work

Annex 4 to the Regulations – Information on the processing of employee personal data