
WORKING SECURITY OF PEOPLE DEPRIVED OF THEIR LIBERTY IN POLAND

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Abstract. Human resource management is an essential element in shaping a safe working environment. How the company manages human resources will determine the level of achieved goals. The study analyses the quality of occupational security of people deprived of their liberty in Poland. The obtained findings can be instrumental for constructing better-tackled policies.

Keywords: occupational security; human resources management; work of people deprived of their liberty

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1. Introduction

The company strives to achieve its goals through appropriate management. Modern business management also determines the achievement of the purpose of making a profit. The complexity of the company's goals is related to modern management, where more and more attention is paid to several goals not strictly associated with financial benefits.

Human resources impact the determination to develop the company. The management staff, through appropriately selected human resources, can achieve the company's goals and development goals, etc. Through the appropriate planning, organizing, motivating and controlling of the human capital, the management staff can define short and long-term business assumptions. However, in the era of globalization and economic development, it is increasingly difficult to attract adequate human resources (Michalski, Jurgilewicz, 2011; Jukšs, 2021; Moskvina, 2022).

The low level of unemployment means that entrepreneurs need help with the problem of obtaining human resources of appropriate quality. This state of affairs disrupts the enterprise management process, as it is difficult to define and implement long-term goals because there is no guarantee that, in the long term, it will be possible to achieve a given level of employment for the execution of orders, etc. (Pacana, Jurgilewicz, 2019; Woźny, Dobosz, 2015; Mitkow, Tomaszewski, Kozicki, 2021; Paulikas, Paulikiene, 2022). Problems with employment are found primarily in industries where the primary nature of work is based on physical activity, blue-collar

work, etc. There is a growing problem with finding blue-collar workers, even those with low qualifications. Therefore, companies are increasingly trying to acquire employees by cooperation with other companies, using the services of employment agencies and employing foreigners, e.g. citizens of Ukraine. One solution to staff shortages is to hire people deprived of their liberty. The possibility of employing prisoners may be a solution for entrepreneurs who have problems with filling certain positions. The principles of paid or unpaid employment of convicts are set out in the Regulation of the Minister of Justice of 9 February 2004 on detailed principles of employing convicts (Journal of Laws of 2004, No. 27, item 242).

Convicts may be employed for a fee: cleaning and doing auxiliary work for organizational units of the Prison Service, in prison workplaces or other external entrepreneurs, including under an employment contract, order contract, contract for specific work or outwork contract (Jurgilewicz, 2021). Therefore, entrepreneurs can fill staff shortages with the support of Correctional Institutions by employing convicts on various types of contracts. Paid employment of convicts is possible for the following activities: self-employed people, cooperatives, partnerships or capital companies or state enterprises.

From the point of view of achieving the company's goals, using inmates is one of the possibilities for acquiring new human resources. However, this can be a problem for the managerial staff in properly managing human resources. Planning, organizing, motivating and controlling inmates during their work can have implications that can disrupt the entire enterprise. Therefore, different organizational solutions should be implemented than in the case of standard employment. One of the problems that may arise when employing inmates is the issue of occupational health and safety analysis. Shaping health and safety in the company is a continuous process involving all employees. In the case of people deprived of their liberty, attention should be paid to the various security dilemmas that may arise during employment. This study draws attention to health and safety dilemmas, particularly analyzing human resource management (Woźny, Dobosz, Saja, 2018).

2. Security management

Occupational health and safety is the company's activity that aims to protect the employee against an undesirable event, i.e., an accident at work (Grega, Nečas, 2022). Therefore, through their internal activities, companies create a health and safety culture resulting from group and individual attitudes, values, competencies, behaviours and management quality.

The management process can only be conducted by considering health and safety issues. Therefore, separate OHS units (departments) are created in enterprises that cooperate with the management to ensure appropriately safe working environment conditions. Such action protects employees against potentially accidental events and the company against potential downtime or difficulties in the work process. Each incident related to unsatisfactory health and safety conditions may cause downtimes in work processes due to staff shortages or damage to machines and devices (Woźny, 2017).

Therefore, occupational health and safety culture reflect employees' attitude to hazards, risks and their potential effects. Properly managed human resources determine the health and safety culture. Thus, it depends mainly on the employer and the management staff on how the safety culture will develop in the company. Occupational health and safety culture comprises three components: barriers, education and risk. Barriers should be understood as all actions aimed at eliminating or reducing the employee's exposure to a given threat or the effects of a potential adverse event. As an example of levelling the impact of a potential threat, the installation of anti-slip mats on external stairs can be indicated. Education is the level of awareness and knowledge of employees in the general scope of occupational health and safety and the specific scope covering the specificity of the working environment (Jurgilewicz, 2017).

The basic legal act in Poland providing for safe and hygienic working conditions is the Constitution of the Republic of Poland of April 2, 1997 (Journal of Laws of 1997, No. 78, item 483), which guarantees the right of every employee to safe and hygienic working conditions (Article 66), but also that work is under the protec-

tion of the Republic of Poland, the state supervises the conditions of work, as well as the fact that everyone has the right to health protection (Articles 22 and 68). From the point of view of the management function, it is important that the safety management process is properly planned, organized, has motivational elements and is properly controlled. Legal regulations indicate several tasks that must be fulfilled by the entrepreneur (employer) to make the working environment safe. It is worth emphasizing that meeting the requirements of normative acts, industry standards, etc., alone does not guarantee complete safety. Security management is a process that is constantly taking place in the company. From the point of view of creating a safety culture, it is essential that the entrepreneur:

- was aware that a safe working environment is a guarantee of quality and efficiency,
- knew the legal basis and standards for the organization of safe work,
- had appropriate procedures in the event of a crisis situation,
- was aware of the occupational risk at respective workplaces,
- created work culture and cooperated with the health and safety service.

The employees' role is to:

- be aware of the hazards existing at the workplace,
- feel safe at the workplace,
- participate in creating and promoting a safety culture,
- use the machines and devices available to them safely and consistently, along with instructions and procedures,
- report any irregularities that could be taken away.

Although the employer is responsible for occupational health and safety, the desired state in this respect is co-created by all units of a given enterprise (More Woźny, 2017).

Safety management should be understood primarily as a special managerial activity focused on aspects of the quality of the working environment, which must guarantee safety in every element (people, machines, processes, etc.). This is extremely important when considering management functions (planning, organizing, controlling, motivating).

When planning and setting goals, management should define security plans and goals that will motivate the entire enterprise. Therefore, the functions of security management are related to planning a safe working environment, organizing the system or processes considering health and safety, and motivating in the field of health and safety and health and safety control. This approach makes quality the most important element in decision-making by management. OHS management is mainly characterized by (Wozny, Dobosz, Saja, 2018):

- focus on the employee and the internal environment of the company by ensuring the best level of security,
- systemic approach, any security-related activity can be reproduced at any time,
- impact on human and material resources as each process takes place in the company is supported by appropriate health and safety conditions,
- involvement of all employees and management in matters related to health and safety,
- creating a health and safety culture,
- documenting all health and safety-related activities.

Such a general approach to security management makes a systemic approach to management possible in every enterprise. Through the proper functioning of the subsystems, which is based on interconnections, it is possible to create such working environment conditions that make space for a qualitative approach to issues related to safe and hygienic working conditions.

Skilful health and safety management makes it possible to reduce or eliminate a factor important for shaping work quality and efficiency. It is about loss, lost opportunities or resources that affect the functioning of the enterprise. The occurrence of a loss determines specific behaviours not only of the employer but also of the

employee, which makes it challenging to find the right motivation to work. Improper management of the enterprise, including health and safety management, may result in: material losses, losses associated with adverse effects on employees' health and other losses depending on the negative consequences arising in the enterprise. It is the employer's interest to prevent losses in the enterprise. Therefore, employers should have a health and safety service that supports them in properly managing safety. However, the interpretation of the company's protection against loss is different.

In most cases, the employer perceives losses through the prism of economics. The occupational health and safety service understands protection against loss as a safe working environment. Differences in the perception of loss confirm that the OHS service plays an essential role in the enterprise. Various types of losses may arise due to the employer's wrong approach to issues related to occupational health and safety (Głowczyńska-Woelke, 2009).

A. Woźny, A. Pacana and others (2020) in their research indicated the impact of management on the quality and efficiency of work. The authors of the article changed the approach of A. Maslow's pyramid of needs and confronted it with the company's needs, according to A. Maslow, to meet higher-order needs (affiliation, esteem and recognition, and self-fulfilment), lower-order needs (physiological and safety) should be provided. Through the prism of the pyramid of work needs, the needs of a lower order can be understood as the need to have a job (physiological need). Each entity establishes an employment relationship with the employer by signing an employment contract. Having the status of an employee determines the next level of the pyramid of work needs, namely, the need for security. The employer's role is to meet the requirements set out in the Labor Code (Woźny, Pacana, Dobosz, Saja, 2015; Pacana, Jurgilewicz, 2020).

3. Employment of people deprived of their liberty - dilemmas of occupational health and safety management

Employment of people deprived of their liberty is conducted on the same terms as in the case of ordinary employees. The same rules regarding rights and obligations apply depending on the form of employment. Assuming that a person deprived of liberty signs an employment contract, the employers must fulfil all the obligations imposed on them by the Labor Code (Journal of Laws of 2020, item 1320) pursuant to Art. 207 of the Labor Code, the employer is responsible for workplace health and safety.

In order to organize appropriate working conditions, the employer is obliged to, among others: send the inmate to an occupational medicine physician to determine his/her ability to perform work, conduct initial training, general, occupational health and safety and workplace instructions, equip the inmate with working clothes and footwear as well as individual protective equipment, get him/her acquainted with the occupational risk assessment and health and safety instructions for machines, devices, positions and processes, supervise the inmate and the activities performed by them, taking into account threats to life and health, perform other tasks related to the specificity of the workplace.

An entrepreneur who decides to employ people deprived of their liberty should analyze the functioning process of human resources management, as the specificity of functioning of people deprived of liberty in the workplace may be different than in the case of full-time employees. It's also significant to point to prisoners' attitude to work as well as their qualifications and skills. It should be pointed out that the main problem for the entrepreneur in the case of employing inmates is a relatively short period and uncertainty in the scope of possessed human resources. The entrepreneur employing the prisoners usually has to reorganize the management process because the prisoners are treated as temporary workers. The entrepreneur never really knows for how long a given prisoner will work.

It should be noted that there may be many external factors that may cause problems in the continuity of work of inmates. Among others, the following can be indicated: disciplinary problems in prison, which may result in ceasing going to work, parole or passes, escaping from the place of employment or on the way to the place

of employment, transfer to another prison, etc. Therefore, the type of work performed by inmates must consider external factors that may temporarily or permanently eliminate the inmate from performing work for the entrepreneur. The issue of occupational health and safety is also important. Depending on the work process, occupational health and safety measures should be organized for inmates to minimize the negative effects of work-related incidents or undesirable situations that may occur in the workplace. OHS dilemmas that may occur in managing people deprived of their liberty are extremely important because the employer (and not the prison) is responsible for safety at work. The dilemmas include qualifications and skills, the level of discipline and inclination to risky behaviour, including pathological behaviour or cooperation with full-time employees (Woźny, 2017).

The first health and safety dilemma is related to the qualifications and skills of inmates. An entrepreneur who decides to employ inmates has few possibilities when selecting inmates concerning the expected qualifications. Therefore, the entrepreneur sometimes reorganizes work processes to suit the qualifications and skills of the inmates. It is difficult to verify the current employment of inmates, as they do not present work certificates or other documents confirming their eligibility, etc. From the point of view of security, the entrepreneur must assume that inmates have the minimum skills to perform given activities. Therefore, special attention should be paid to issues related to training OHS and workplace instructions. Particular attention should be paid to issues related to hazards with the greatest risk of an accident.

It should be noted that entrepreneurs usually employ prisoners for a short time. Therefore, they should pay attention to the work processes. It should reorganize the management process so that the activities performed by the inmates are simple and uncomplicated so that it is possible to replace one inmate with another in a relatively short time (Woźny, 2017).

Another health and safety dilemma related to the employment of prisoners is the level of discipline and a high level of a tendency to risky behaviour, including pathological behaviour. The company has certain rules and standards that all employees adhere to. Some principles and criteria may be challenging for people deprived of their liberty. Therefore, it is important to supervise the work performed by inmates properly. It should be pointed out that inmates have limited opportunities to contact their families, have limited access to many goods or some drugs, etc. This may result in situations in which prisoners, through the possibility of work, will want to use the situation to perform activities they cannot perform when under lock and key (or being very difficult). Therefore, constant supervision of the work performed is important. An example of inappropriate behaviour is leaving the workplace to, for instance, make a phone call. An inmate leaving the operated machine may damage or interrupt the production process, exposing the entrepreneur to large financial losses. Prisoners usually do not feel a bond with the enterprise because they know it is not their permanent place of employment.

Another example could be a problem with alcohol. Due to the restriction of freedom, prisoners cannot access alcohol. By being able to go outside the prison, the inmate has the opportunity to obtain alcohol and consume it at work. Such conduct generates a high risk of a potentially accidental event. The last dilemma related to inmates' occupational health and safety is cooperation with full-time employees. A conversation with full-time employees should precede the employment of prisoners in the company. Lack of communication with employees may result in conflicts between inmates and full-time employees. Conflict situations may concern the performed activities (level of involvement). The management staff must properly prepare their subordinates for the situation in which the inmates will be included in the company's human resources. The level of risk related to the employment of inmates depends on the specificity of the industry and the type of work they will perform. The study analyzes inmates who work in a company that collects industrial waste, scrap metal, etc. The specificity of work means that full-time employees and inmates are exposed to several hazards related to the work process. Therefore, when performing various activities, properly managing human resources is very important. The safety analysis can be performed through the quality evaluation method or the occupational risk analysis (Saja, Woźny, Pacana, Dobosz, 2017).

4. The evaluation method of the quality of occupational safety of people deprived of their liberty

One of the functions of human resource management is control. Controlling employees is important from the point of view of health and safety. Constant supervision of employees and audits allow entrepreneurs to improve the working environment and eliminate or correct existing threats. Often, employees determine various types of threats; therefore, areas that need improvement should be identified through appropriate actions. This study focuses on inmates who are employed in scrap yards. The specificity of the workplace makes the inmates perform several different activities related to sorting scrap, preparing for transport, etc. These activities are performed with the participation of full-time employees under the supervision of the foreman managing the given production process. About 25 inmates work in the analyzed enterprise. From the observations made during OHS training, workplace instructions and the performance of work, the following characteristics of human resources management that occur during the performance of work by inmates were determined: preparation for work and commitment, knowledge and correctness of the production process, safety procedures and control of their observance, proper communication of foremen with inmates (horizontal communication), communication between full-time employees and inmates (vertical communication), appropriate control of inmates by foremen (see Tables 1-5).

Table 1. Evaluation method

State	Relative state	Result
Very beneficial	0,9	Highest
Beneficial	0,7	High
Indirect	0,5	Average
Unbeneficial	0,3	Low
Very unbeneficial	0,1	Lowest

Source: Own study

Table 2. Assignment of relative states for each of the features of human resource management of inmates

No.	Feature	State definition according to the evaluation method and/or an alternative method	Relative state (quality index from 0.1 to 0.9 and/or from 0.0 to 0.8)	Subjective opinion (<i>q</i>)
1	Preparation for work and commitment	Very good	0,9	0,7
		Good	0,7	
		Average	0,5	
		Bad	0,3	
		Very bad	0,1	
2	Knowledge and correctness of the production process	Very good	0,9	0,5
		Good	0,7	
		Average	0,5	
		Bad	0,3	
		Very bad	0,1	
3	Security procedures and control of their observance	Very good	0,9	0,5
		Good	0,7	
		Average	0,5	
		Bad	0,3	
		Very bad	0,1	
4	Proper communication of foremen with inmates (horizontal communication)	Occurs	0,9	0,9
		Partially occurs	0,5	
		Not Occur	0,1	
5	Communication between full-time employees and inmates (vertical communication)	Occurs	0,9	0,1
		Partially occurs	0,5	
		Not Occur	0,1	
6	Adequate control of inmates by foremen	Occurs	0,9	0,5
		Partially occurs	0,5	
		Not Occur	0,1	

Source: Own study

The quality evaluation method defines the criteria of importance and determines the strength of the relationship between respective features. This method indicates 10 fixed criteria. However, for the analysis of the quality of security in prison management, indices of respective criteria were defined: B - safety (performance of activities following health and safety at work), C - novelty (functioning of prisoners in the facility for the first time), K - cost (costs incurred by the company), L - benefit (benefit for the company), N - reliability (risk of inmate's error), P - appearance (impact on the environment and perception of the company), S - effectiveness (effectiveness of the inmates' activities), T - relevance (adaptation of the workplace to the inmates' skills), U - usability (degree of inmates' involvement) and W - defectiveness (production downtime, etc.). The strength of the feature and criterion relationship is marked with points in the table. The sum of points determines the location number (LL) - the criterion with the highest number of points receives LL=10, the next 9, etc. (https://mfiles.pl/pl/index.php/Warto%C5%9Bciowanie_jako%C5%9Bci). Hence: 0 - no relationship, 1 - negligible relationship, 2 - slight relationship, 3 - noticeable relationship, 4 - clear relationship, and 5 - very large relationship.

Table 3. Assignment of location numbers

No.	Feature	Importance criteria symbols (alphabetically)									
		B	C	K	L	N	P	S	T	U	W
1	Preparation for work and commitment	4	5	2	4	5	0	5	5	5	5
2	Knowledge and correctness of the production process	5	5	4	5	5	4	4	4	2	5
3	Security procedures and control of their observance	5	4	5	4	5	2	3	3	3	5
4	Proper communication of foremen with inmates (horizontal communication)	5	5	0	2	5	2	3	2	3	3
5	Communication between full-time employees and inmates (vertical communication)	5	4	0	4	2	2	3	0	2	2
6	Adequate control of inmates by foremen	5	5	0	4	4	0	4	2	4	4
	The sum of points:	29	28	11	23	26	10	22	16	19	24
	Location numbers (ranking)	10	9	2	6	8	1	5	3	4	7

Source: Own study

Table 4. Calculation of the product for respective features

No.	Feature	Importance criteria symbols by location number										Sum of products	k_i	q_i	$k_i \cdot q_i$
		B	C	N	W	L	S	U	T	K	P				
		10	9	8	7	6	5	4	3	2	1				
1	Preparation for work and commitment	40	45	40	35	24	25	20	15	4	0	248	1,55	0,7	1,085
2	Knowledge and correctness of the production process	50	45	40	35	30	20	8	12	8	4	252	1,58	0,5	0,79
3	Security procedures and control of their observance	45	36	40	35	24	15	12	9	10	2	228	1,43	0,5	0,715
4	Proper communication of foremen with inmates (horizontal communication)	45	45	40	21	12	15	12	6	0	2	198	1,24	0,9	1,116
5	Communication between full-time employees and inmates (vertical communication)	45	36	16	14	24	15	8	0	0	2	160	1,0	0,1	0,1
6	Adequate control of inmates by foremen	45	45	32	28	24	20	16	6	0	0	216	1,35	0,5	0,675
	Sum												8,15		4,481

Source: Own study

Table 5. Calculation of the “R” indicator identifying features with difficult management

No.	Feature	k_i	q_{max}	q_i	$(q_{max} - q_i)$	R_i
1	Preparation for work and commitment	1,55	0,9	0,7	0,2	0,31
2	Knowledge and correctness of the production process	1,58	0,9	0,5	0,4	0,62
3	Security procedures and control of their observance	1,43	0,9	0,5	0,4	0,572
4	Proper communication of foremen with inmates (horizontal communication)	1,24	0,9	0,9	0,0	0
5	Communication between full-time employees and inmates (vertical communication)	1,0	0,9	0,1	0,8	0,8
6	Adequate control of inmates by foremen	1,35	0,9	0,5	0,4	0,54

Source: Own study

The conducted analysis of the quality of management of inmates in the analyzed company can show that, for specific features, the biggest problem is communication between full-time employees and inmates. Another big problem is the knowledge and correctness of the production process, as well as the foremen’s observance of safety procedures and appropriate control. The quality evaluation method indicated the areas the company should pay attention to to efficiently manage the inmates. This will increase the sense of security of the inmates themselves and will allow for greater work efficiency. A big problem for the company is the lack of vertical communication between full-time employees and inmates. This state of affairs may determine conflicts that may disrupt the process and cause undesirable events.

It is important to involve managers and foremen in building relationships between full-time employees and inmates. Doing so should significantly improve the quality of:

- Knowledge and correctness of the production process;
- Security procedures and control of their observance;
- Appropriate control of inmates by foremen.

5. Summary and conclusions

Each action the employer takes in relation to human resources management must consider the aspect of security. Planning and organizing activities within the enterprise must not only consider the level of threats but also analyse the staff’s behaviour in relation to respective work processes. Only the correct cooperation of all human resources allows for effective implementation of respective elements of the work process.

In the case of people deprived of their liberty who take up work, they must be adequately prepared for the type of work. This preparation can only occur with the participation of full-time employees and people managing employees. Communication problems between the inmates and full-time employees may disrupt processes, leading to an increased risk of downtime or potential incidents. Therefore, the company must be aware that the lack of proper communication reduces the level and quality of the work environment security.

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