

Social Dialogue mapping

Description scheme for country overviews

POLAND

Sources:

- 1/ Eurofound Working Life Profiles <https://www.eurofound.europa.eu/country/poland#actors-and-institutions>
- 2/ OSH WIKI https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Poland
- 3/ ESENER-3 <https://visualisation.osha.europa.eu/esener#!en/survey/overview/2019>

Introduction on Social Dialogue in MS (1)

Representativeness of social partner organisations at national level is regulated by the Act on the Social Dialogue Council and other social dialogue bodies of 2015. However, the conditions to be fulfilled by social partners remain identical as under the formerly binding legislation.

Trade Unions (1)

- **About trade union representation**

The Trade Union Act of 1991 grants the right to establish trade unions to employees, that is, people working on the basis of employment contracts.

Other larger categories of workers excluded from union membership are judges, civil servants in state administration, professional soldiers and functionaries of the Office for State Protection (Agencja Bezpieczeństwa Wewnętrznego). There are also specific categories of people active in the labour market that do not enjoy the right to establish trade unions but are eligible to join existing union organisations, including pensioners and the unemployed, teleworkers and people employed in the outwork system. There are also special regulations concerning trade union membership for police officers, border guards, prison guards and the State Fire Service as well as employees of the Supreme Chamber of Control.

Due to a narrow definition of the right to association in the Act, self-employed people and those working on the basis of civil law contracts are not eligible to join or organise trade unions. As a minimum number of 10 employees is required to set up an enterprise-level union, those in micro firms (around 40% of all employees) are effectively excluded too.

- **Main trade union confederations and federations**

A total of three trade union organisations in Poland meet the criteria of representativeness at the national level (see below) and participate in the Social Dialogue Council (RDS). These are the Independent Self-governing Trade Union Solidarity (NSZZ Solidarność), the All-Poland Alliance of

Trade Unions (OPZZ) and Trade Unions Forum (FZZ).

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Independent Self-governing Trade Union Solidarity (Niezależny Samorządny Związek Zawodowy Solidarność)	NSZZ Solidarność	622,577	2012	Yes
All-Poland Alliance of Trade Unions (Ogólnopolskie Porozumienie Związków Zawodowych)	OPZZ	792,503	2012	Yes
Trade Unions Forum (Forum Związków Zawodowych)	FZZ	408,095	2012	Yes

Employers' organisations (1)

- **About Employers' organisations**

Any employer can join an employers' organisation.

- **Main Employers' organisations**

There are four nationwide employers' organisations that have seats in the Social Dialogue Council (RDS): Business Centre Club (BCC), Confederation Lewiatan (Konfederacja Lewiatan), Employers of Poland (Pracodawcy Rzeczypospolitej Polskiej, Pracodawcy RP) and Polish Crafts Association (Związek Rzemiosła Polskiego, ZRP). The information on involvement in collective bargaining is gathered through the authors' own monitoring activities.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Centre Club	BCC	716 (self-reported)	2012	Yes
Confederation Lewiatan (Konfederacja <u>Lewiatan</u>)		80 (self-reported), of which: 25 companies (individual members); 31 sectoral organisations; 24 regional organisations	2015	Yes

Employers of Poland (Pracodawcy Rzeczypospolitej Polskiej)	Pracodawcy RP	Approximately 10,000 companies, associated either directly or via 28 regional and sectoral unions (self- reported)	2015	Yes
Polish Crafts Association (Związek Rzemiosła Polskiego)	ZRP	28 chambers of crafts and entrepreneurship (of which two sectoral), 477 guilds and 186 cooperatives of craftsmen (self-reported)	2015	Yes

Social Dialogue on OSH (2)

• General Remarks on Social Dialogue on OSH

Poland has a developed system of social dialogues at all levels (national, sectoral and company) and in the different socio-economic fields such as economic policy, social policy and occupational safety and health.

The importance of the social dialogue is stressed in the Constitution of the Republic of Poland of 2 April-1997^[1] The Social dialogue is one of the principles of the Constitution based on respect for freedom and justice, cooperation between public powers, social dialogue as well as on the principle of subsidiarity of strengthening the powers of citizens and their communities. Article 20 of the Constitution indicates that among others, dialogue and cooperation between social partners shall be the basis of the economic system of the Republic of Poland.

Constitutional rights set out above are clarified in:

- Act of 23 May 1991 on trade unions^[19] ;
- Act of 23 May 1991 on the employers' organizations^[20] ;
- Act of 23 May 1991 on the resolution of labour disputes^[21] ;
- The eleventh section of the Labour Code concerning collective bargaining agreements^[2] ;
- Act of 6 July 2001 on the Tripartite Commission for Socio-Economic Issues and voivodship social dialogue commissions^[22];
- Act of 5 July 1990 Law on Assemblies^[23] ;
- Other statutes setting up institutionalized social dialogue (Supreme Employment Council, the National Consultative Council for Persons with Disabilities, the Board of the State Fund for Rehabilitation of Persons with Disabilities, the Board of Social Security, Labour Protection Council, and the Council of Statistics).

• National level

The chief body of the social dialogue in Poland is the Tripartite Commission for Social and Economic Affairs (Komisja Trójstronna ds. Społeczno-Gospodarczych)^[24] ^[21] which was established in 1994 by a resolution of the government. The Act of 6 July 2001 on the Tripartite Commission for Social and Economic Affairs and voivodship social dialogue commissions^[23] ^[20] specifies the composition, organization, rights and duties of the Tripartite Commission. Under the Act, the Tripartite Commission for Social and Economic Affairs is a forum for the social dialogue to reconcile the interests of employees, employers and society as a whole. The aim of the Commission's activity is to achieve

and maintain social peace. The Tripartite Commission is composed of government, employee and employer representative parties.

The representatives of the Council of Ministers appointed by the Prime Minister represent the governmental party in the Commission. At present, the framework of the Commission is composed of the appointed representatives of: Ministry of Labour and Social Policy (at present the Minister for Labour and Social Policy is simultaneously the Chairman of the Commission), Ministry of Economic Affairs (Ministerstwo Gospodarki), Ministry of Treasury (Ministerstwo Skarbu Państwa), Ministry of Finance (Ministerstwo Finansów), Ministry of Transport, Construction and Maritime Economy (Ministerstwo Transportu, Budownictwa i Gospodarki Morskiej), Ministry of Health, Ministry of National Education (Ministerstwo Edukacji Narodowej), Ministry of Regional Development (Ministerstwo Rozwoju Regionalnego).

The employees are represented in the Commission by trade union organisations. These include: Independent Self-Governed Trade Union "Solidarność" (Niezależny Samorządny Związek Zawodowy "Solidarność"), All-Polish Trade Union Alliance (Ogólnopolskie Porozumienie Związków Zawodowych) and Trade Union Forum (Forum Związków Zawodowych).

The employers are represented in the Commission by employer organisations. These include: Employers of Poland (Pracodawcy RP, before Polish Employers' Confederation), Polish Confederation of Private Employers (Polska Konfederacja Pracodawców Prywatnych), Polish Craft Association (Związek Rzemiosła Polskiego) and Business Centre Club.

The counselling voice in the Commission's works belongs to the representatives of: Central Statistical Office (Główny Urząd Statystyczny) and National Bank of Poland (Narodowy Bank Polski). Moreover, representatives of: Common Commission of Government and Territorial Self-Government (Komisja Wspólna Rządu i Samorządu Terytorialnego), National Co-operative Council (Krajowa Rada Spółdzielcza), Association for Non-governmental Initiatives Forum (Stowarzyszenie na Rzecz Forum Inicjatyw Pozarządowych), Consumers Federation (Federacja Konsumentów) as well as All-Polish Unemployed Organisation Alliance (Ogólnopolskie Porozumienie Organizacji Bezrobotnych) had also been invited to take part in works of the Commission. People called to be members of the Commission take part in person in the works of the Commission.

At present, nine (9) problem teams work within the Commission's framework. Their aim is to elaborate common stands and opinions in such matters as: social insurance, labour law and collective agreements, budget, salaries and social benefits, economic policy and labour market, social dialogue development, public services co-operation with ILO structural funds of the EU, as well as European Social Charter-revised.

• Sectoral level

Sectoral teams, which operate out of the Tripartite Commission for Social and Economic Affairs, are appointed to conduct tripartite sectoral dialogues in order to reconcile the interests of the parties during the implementation of action programs of the government as well as facilitate the problem solving process.

The tripartite sectoral teams operate at the Ministry of Labour and Social Affairs, with the exception of the four that operate at their appropriate substantive ministries. The teams consist of representatives of trade unions and employer organizations operating in an industry and representatives of the government. However, different experts, representatives of other institutions, and members of the Parliament can be invited to attend meetings and work in teams.

• Enterprise level

Commission for Safety and Health at Work According to Article 237 of the Labour Code^[2] an employer

who employs more than 250 employees shall appoint a commission for safety and health at work as a body to give advice and opinions. The OSH commission shall be composed of an equal number of the employer's representatives, including OSH service members and a physician responsible for the preventive health care of the employees, and of the employee representatives, including a social labour inspector. The employer or the person designated by the employer shall be the chairperson of the commission, with the social labour inspector or an employee representative to be the deputy chairperson.

The aim of the commission is to review working conditions, make a periodic assessment of safety and health at work, give opinions on measures implemented by the employer in order to prevent accidents at work and occupational diseases, suggest measures to improve working conditions, and cooperate with the employer in the field of OSH.

Sessions of the commission shall be held during working hours, at least once every quarter. An employee shall retain his/her right to remuneration for the time not spent at work in connection with his/her participation in the sessions of the commission. When performing its tasks as set out above, the commission shall use expert reports or opinions of specialists from outside the workplace, as agreed with the employer and at the employer's expense.

Social supervision over working conditions Social supervision over occupational health and safety conditions in Poland is exercised by trade unions – in accordance with the Act on Trade Unions dated

23 May 1991 (with later amendments)^[19]. The scope of operation of the company trade union organization covers exercising control over observance of labour law regulations in the company, especially regulations and rules concerning occupational health and safety and managing social labour inspection and cooperation with the National Labour Inspectorate (Państwowa Inspekcja Pracy)^[25].

The Social labour inspectorate (społeczna inspekcja pracy) operates on the basis of stipulations included in the Act on Social Labour Inspectorate dated 24 June 1983^[26]. It is a social service established and performed by employees themselves. The social labour inspectorate supervises the compliance to laws on: occupational health and safety, working time and leaves, protection of work of women, young adults and the disabled, benefits by virtue of accidents at work and occupational diseases.

Social labour inspectorate is constituted by the following bodies:

- company social labour inspectors for the entire enterprise,
- branch / divisional / social labour inspectors for the particular branches / divisions / plants,
- group social labour inspectors for the specific departments.

The social labour inspector should demonstrate the necessary knowledge of social labour inspection issues and should have adequate job seniority in the company. The social labour inspector is entitled to visit workplaces, demand data and information from the administration and employees, as well as to notify the employer of any violations to the labour protection regulations.

Social labour inspectors cooperate with the National Labour Inspectorate and other bodies supervising and inspecting working conditions. They also have the right to take part in the inspections conducted by the National Labour Inspectorate representatives.

In accordance with the Act on Social Labour Inspectorate dated 24 June 1983, a social inspection can operate only in companies where trade unions are present.