



## Poland: Working life country profile

Observatory: EurWORK | Topic: Health and Safety at work, Pay, Skills and competencies, Work organisation, Working time, Labour market participation, Collective bargaining, Employers' organisations, Trade unions, Equality, |  
 Published on: 25 November 2015

*This profile describes the key characteristics of working life in Poland. It aims to complement other EurWORK research by providing the relevant background information on structures, institutions and relevant regulations regarding working life. This includes indicators, data and regulatory systems on the following aspects: actors and institutions, collective and individual employment relations, health and well-being, pay, working time, skills and training, and equality and discrimination at work. The profiles are updated annually.*

### Key Figures

#### Key figures on working life in Poland

		Year	Source
Collective bargaining coverage in private sector establishments	54%	2013	ECS 2013
	28.9%	2010	ICTWSS
Establishments having any kind of workplace representation in %	24%	2013	ECS 2013
Number of any type of industrial dispute between 2008 and 2013, % of establishments	4%	2013	ECS 2013
Number of total work accidents per 1,000 workers	7.52	2013	LFS, Main Statistical Office
Percentage of establishments granting flexitime to their employees	50%	2013	ECS 2013

## Background

### Economic and labour market context

During the economic crisis, Poland's real GDP growth amounted to 3.9% in 2008, 2.6% in 2009, 3.7% in 2010 and 4.8% in 2011. In the following years, the real GDP growth slowed down to 1.8% in 2012 and 1.7% in 2013, but the trend was reversed in 2014 with an increase of 3.9% from the previous year.

Between 2008 and 2014, the employment rate increased slightly, from 59.2% to 61.7%; the growth trend occurred both for men (from 66.2% to 68.2%) and women (from 52.4% to 55.2%). Poland remains the European Union leader in terms of the share of employees with temporary contracts (27% in 2008 as compared to 26.9% in 2013).

The economic crisis was reflected in the increase in the unemployment rate, which increased from 7.1% in 2008 to 10.3% in 2013, although it decreased by 1.3% in 2014 (9.0%). Unemployment rates were higher for women (7.9% in 2008 and 9.6% in 2014) than for men (6.4% in 2008 and 8.5% in 2014).

A sharp growth in the unemployment rate of young people (15–24) was observed, from 17.2% in 2008 to 27.3% in 2013, but this decreased in 2014 to 23.9%.

Economic instability was also reflected in the growth of the public debt, from 45% in 2007 to 55.7% of the GDP in 2013.

More information on the extent of undeclared work, as well as a database on measures to prevent and combat it, can be found on Eurofound's website.

### Legal context

The Labour Code (Kodeks pracy) regulates the rights and duties of employees and employers in Poland. There were no major reforms of the Labour Code in 2014 except for expanding (in January 2014) the list of circumstances under which work on Sundays and holidays is allowed. In 2013, the possibility of extending the working time reference period for 12 months was also introduced.

Industrial relations and social dialogue in Poland are regulated by the Labour Code, the Trade Unions Act (Ustawa o związkach zawodowych), the Act on Employers' Organisations (Ustawa o organizacjach pracodawców), the Act on Resolving Collective Disputes (Ustawa o rozwiązywaniu sporów zbiorowych) and the Act on Tripartite Commission on Social and Economic Affairs and Voivodship Social Dialogue Commissions (Ustawa o Komisji ds. Społeczno-Gospodarczych i wojewódzkich komisjach dialogu społecznego). No important measures with an impact on social dialogue, collective bargaining and industrial action were implemented in 2014.

### Industrial relations context

Industrial relations in Poland have sometimes been described in terms of ‘illusory corporatism’ (Ost, 2000, p. 503). They combine a high level of collective bargaining decentralisation with the relatively weak institutions of social dialogue at the national level (the Tripartite Commission on Social and Economic Affairs, TK) and underdeveloped industry-level collective bargaining. Most collective bargaining takes place at the company level.

Weak density affects both trade unions and employers’ organisations. For many years there has been an important political divide between trade unions, reflecting their communist and anti-communist past. ‘Competitive pluralism’ (Gardawski, 2003) of trade unions reflected their fragmentation and inter-union competition.

The state plays an important role in Polish industrial relations. First, it is an important employer, as 23.6% of employees still worked in the public sector in Poland in 2013. Second, national legislation remains the basic reference point for setting minimum wages and working conditions for most employees in the private sector as well due to limited collective bargaining coverage at all levels. Third, the state authorities play a crucial role in the tripartite social dialogue at the national and regional level.

Since June 2013, when trade unions left the Tripartite Commission on Social and Economic Affairs in a direct reaction to the lack of compromise on the changes in the working time regulations, the tripartite social dialogue has been frozen. The main trade union confederations became more unified in their opposition against the government of the Civic Platform (Platforma Obywatelska, PO) and the Polish Peasant Party (Polskie Stronnictwo Ludowe, PSL). Yet there were also some signs of bipartite dialogue gaining strength, as both trade unions and employers realised they could negotiate without getting the government involved.

## Actors and institutions

Trade unions, employers’ organisations and public institutions play a key role in the governance of the employment relationship, working conditions and industrial relations structures. They are interlocking parts in a multilevel system of governance that includes European, national, sectoral, regional (provincial or local) and company levels. This section looks into the main actors and institutions and their role in Poland.

### Public authorities involved in regulating working life

The Ministry of Labour and Social Policy (Ministerstwo Pracy i Polityki Społecznej, MPiPS) deals with social dialogue issues (through a special department) and provides infrastructure (premises, organisational and technical support) for tripartite social dialogue at the national level (Tripartite Commission) and for sectoral social dialogue bodies (in most cases, the committees are affiliated to the Ministry). The Ministry also maintains a register of works councils and multi-employer collective labour agreements. The Ministry is also responsible for discussing new labour law regulations proposed by the government with social partners.

The National Labour Inspectorate (Państwowa Inspekcja Pracy, PIP) is a central administration body (headed by the Chief Labour Inspector, appointed by the parliament) responsible for monitoring the state of observance and enforcing the labour law. PIP is supervised by the Labour Protection Council (Rada Ochrony Pracy, ROP). In particular, PIP’s prerogatives concern the

observance of employee rights; the observance of health and safety regulations; legality of employment; and provision of assistance and advice to citizens in matters related to the labour law. At the *voivodeship* (regional) level there are District Labour Inspectorates (Okręgowe Inspektoraty Pracy, OIP), whose duty (besides the abovementioned) is to register new and amended single-employer collective labour agreements. Labour inspectors carry out their duties by preventative actions (disseminating knowledge, promoting health and safety at work, advising employers and employees) and workplace audits (on-site control and indirect inquiries). There are two categories of audits: routine and intentional (scheduled), aimed at inspecting specific sectors or enterprises.

The labour courts are separate and autonomous organisational units of general (local, district and appeal) courts of law, responsible for hearing and ruling on labour-related matters (employment- and employment relationship-related claims; claims related to other legal relationships to which labour law regulations apply; determining whether an employment relationship exists; settling damages in cases of work-related accidents and occupational diseases). In labour courts, there is a two-step procedure.

The Ministry of Economy (Ministerstwo Gospodarki, MG) is involved with institutional social dialogue to some extent, as certain multilateral bodies (such as the Inter-ministerial Committee for Europe 2020 Strategy-related Issues or the Inter-ministerial Committee for CSR-related Issues) have been affiliated to the Ministry since 2015.

The Centre for Social Partnership 'Dialog' (Centrum Partnerstwa Społecznego 'Dialog') is a state-controlled institution responsible for promoting social dialogue (through instigating and maintaining public debate, research and publishing activities).

## Representativeness

Representativeness of social partner organisations at national level is regulated by the Act on Tripartite Commission on Social and Economic Affairs and the Regional Social Dialogue Commissions of 2001.

For trade unions, the conditions are as follows:

- a national-level trade union or
- a national-level association (federation) of trade unions or
- a national-level inter-union organisation (confederation)

with at least 300,000 members that covers entities pursuing operations in least half of all sections of the Polish Activities Classification (PKD), yet no more than 100,000 members employed in a given PKD section can be counted.

For employers' organisations, the conditions are as follows:

- pursues operations on a national scale;
- member entities employ at least 300,000 people in total;
- member entities pursue operations in at least half of all sections of the Polish Activities Classification (PKD), yet no more than 100,000 employees can be counted for each section.

More information on the representativeness of the main social partner organisations can be found in Eurofound's representativeness study of the cross-industry social partners or in Eurofound's sectoral representativeness studies.

## Trade unions

### 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.

Following the sharp wave of deunionisation in the 1990s, trade union density in 2004 stood at 21.5% (according to OECD data). According to the last survey of the Public Opinion Research Centre (Centrum Badania Opinii Społecznej, CBOS), trade union density in 2014 amounted to 12%.

### Trade union membership and trade union density

	2010	2011	2012	2013	2014	Source
Trade union density in terms of active employees	14.6%	13.5%	12.5%	10%*	12%*	OECD/Visser (2014), based on the study of the Institut de Science du Travail of the Catholic University of Louvain

Trade union membership in 1,000s	1,738.1	1,635	1,540	1,571.3**	1,927.56**	OECD/Visser (2014), based on the study of the Institut de Science du Travail of the Catholic University of Louvain
----------------------------------	---------	-------	-------	-----------	------------	--

\* CBOS report BS/62/2013 and BS/106/2014

\*\* Authors' own calculations based on the CBOS report BS/62/2013.

### 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 work of the Tripartite Commission on Social and Economic Affairs (TK). These are the Independent Self-governing Trade Union Solidarity (NSZZ Solidarność), the All-Poland Alliance of Trade Unions (OPZZ) and Trade Unions Forum (FZZ).

### Main trade union confederations and federations

Long name	Abbreviation	Members	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

No major organisational changes within the trade union movement took place in the last three years. Since 2013, there has been an unprecedented level of cooperation among the three major trade union confederations. The three unions first took a unanimous decision to abandon social dialogue at the central level. They subsequently launched a campaign against the government policy and cooperated together in the preparation of the Tripartite Commission reform proposals.

In May 2014, OPZZ held their eighth congress and celebrated their 30th anniversary. Jan Guz was re-elected as chairman of OPZZ for the third consecutive time. In May 2014, the FZZ held its fourth national congress and re-elected Tadeusz Chwałka as president of the union. In early

October 2014, NSZZ Solidarność held its 27th national convention and re-elected Piotr Duda as the chair for another four-year term. Notably, all national conventions were attended by the leaders of other nationally representative union organisations, which also shows an increasing level of cooperation among them.

## Employers' organisations

### About employers' representation

Any employer can join an employers' organisation. Employers' organisations have not been developing particularly fast in the recent years, although last year the Employers of Poland (Pracodawcy RP) reported a massive increase in the volume of aggregate employment of their associated employers, claiming the figure amounts to some 5 million people (working for approximately 10,000 employers). In 2012, the confederation disclosed that some 4 million employees worked in their member companies in total. Therefore, it is difficult to assess the current employers' organisation density.

### Employers' organisations - membership and density

	2012	2013	2014	Source
Employers' organisation density in terms of active employees	40%	n.a.	n.a.	Estimate based on self-reported figures (PL 1302019Q)
Employers' organisation density in private sector establishments*	n.a.	9% (EOM)	n.a.	European Company Survey 2013

\* Percentage of employees working in an establishment that is a member of any employer organisation that is involved in collective bargaining.

### Main employers' organisations

There are four nationwide employers' organisations that have seats in the Tripartite Commission: 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.

### Main employers' organisations and confederations

Long name	Abbreviation	Members	Year	Involved in collective bargaining
Business Centre Club	BCC	716 (self-reported)	2012	Yes

Confederation Lewiatan (Konfederacja Lewiatan)		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

## Tripartite and bipartite bodies and concertation

The forum for tripartite dialogue in Poland is the Tripartite Commission for Social and Economic Affairs (Trójstronna Komisja ds. Społeczno Gospodarczych, TK), which operates by virtue of the Tripartite Commission for Social and Economic Affairs and Regional Social Dialogue Commissions of 2001. The Tripartite Commission members are government representatives appointed by the prime minister, and representatives of trade union confederations and employers' organisations that are representative at national level.

The TK gathers for plenary meetings at least once every two months. It sets the pay increase indicators in the state budget sector, which has a direct impact on wages in the wider public sector; negotiates the level of the minimum wage; and participates in the preliminary phase of drawing up the state budget. The Tripartite Commission also plays an advisory role in the decision on the growth of pensions and allowances included in the Social Insurance Institution (ZUS), the minimum income level, the income criteria for social policy interventions and the level of family allowances. In addition, the Tripartite Commission has the right to express opinions on every matter of significant importance to the economy or social affairs if it believes that resolving the matter would be important to preserving social peace.

Eleven Thematic Teams function within the Tripartite Commission. The teams deal with topics of cross-sectoral social dialogue, such as state economic policy, labour market, labour law, social insurance budget, wages and social benefits. There are also 13 Tripartite Sectoral Teams, which play an advisory role for the government on issues related to the problems of particular branches of the national economy.

At the regional level, Voivodeship Social Dialogue Commissions (Wojewódzkie Komisje Dialogu Społecznego, WKDS) serve as tripartite social dialogue institutions, which play an advisory role on issues relevant for social partners at the local level. WKDS meetings should take place at least once every three months.



A crisis of tripartite social dialogue in Poland has been observed since at least 2011. In June 2013, trade unions decided to suspend their participation in the Tripartite Commission, its Thematic Teams, the Tripartite Sectoral Teams and in the regional social dialogue commissions in protest against the lack of social dialogue with the government. Although the stalemate in the tripartite social dialogue was not resolved until the end of 2014, there were many signs that the deadlock might finally be overcome as social partners intensified their joint work on the reform of the tripartite institutions and formulated the first joint legislative proposals.

### Main tripartite and bipartite bodies

Name	Type	Level	Issues covered
Tripartite Commission for Social and Economic Affairs (Trójstronna Komisja ds. Społeczno Gospodarczych, TK)	Tripartite	National	Wages, including the minimum wage; the pay increase indicators in the state budget sector; pensions and allowances included in the Social Insurance Institution (ZUS); the minimum income level; the income criteria for social policy interventions; and the level of family allowances. Other issues can be covered as well.
Tripartite Sectoral Teams of the TK (Trójstronne Zespoły Branżowe Komisji Trójstronnej)	Tripartite	Sectoral	All issues requiring the reconciliation of social partners' interests with regard to sectoral problems.
Thematic teams of the TK (Zespoły Problemowe Komisji Trójstronnej)	Tripartite	Cross-sectoral, national	State economic policy and the labour market; labour law and collective bargaining agreements; social dialogue development; social insurance; public services; the budget, wages and social benefits; cooperation with the International Labour Organization (ILO); European Structural Funds; the revised European Social Charter; EU affairs, civil service and local government employees.

Voivodship Social Dialogue Commissions (Wojewódzkie Komisje Dialogu Społecznego, WKDS)	Tripartite	Regional	All issues within the remit of trade unions and employer organisations at the local/regional level, in particular related to maintaining social peace and mediating in local industrial conflicts.
--	------------	----------	--

## Workplace-level employee representation

The main channel of workplace-level employee representation is provided by company-level trade union organisations (*zakładowe organizacje związkowe*). In order to set up a new company-level union, at least 10 members are required, who subsequently need to notify the court of law so that the new union is registered. Employees working at separate workplaces (for example, multi-establishment companies) can found an intercompany trade union organisation (*międzyzakładowe organizacje związkowe*), but those are relatively rare. Workplace-level unions either directly belong (as in the case of NSZZ 'Solidarność', as it is a general workers' union) or are associated with sectoral and/or regional structures.

Works councils have existed since 2006. In order to establish a works council, at least 10% of employees working for the employer need to request an election (general ballot) to the body. The works council is elected for a four-year term. Between 2006 and 2008 the threshold for establishing a works councils was 100 employees. Currently, employers with at least 50 employees have to allow a works council to be established. Until 2009, the law envisaged two paths for the establishment of a works council: in non-unionised workplaces a council would be elected in a general ballot, while in unionised ones the councillors were to be appointed by company-level trade unions. In 2008 the Constitutional Court ruled that those regulations breached the Constitution. Following the amendment in 2009, all works councils come from general elections, but in unionised workplaces, unions generally have managed to maintain control over the bodies.

## Regulation, composition and competences of the bodies

	Regulation	Composition	Involved in company level collective bargaining	Thresholds/rules when they need to be/can be set up
Trade union	Law	Employees	Yes	At least 10 members
Works council	Law	Elected councillors	No	A) At least 50 employees work for the employer B) At least 10% of employees working for the employer request an election

Employee council	Law	Elected representatives	No	Only in state-owned enterprises
Employee representatives in company boards	Law	Appointed representatives	No	Only in state-controlled private enterprises
Social labour inspectors	Law	Elected, employees	No	Only in unionised workplaces
Ad hoc employee representatives	Law	Appointed, employees	No	Appointed in specific circumstances, as the law requires consultation (for example, extending working time reference periods)

### Employee representation at establishment level

	% of employees covered	% of establishments covered
Trade union	39	15
Works council	20	13

*Note: Private sector establishments with more than 10 employees.*

*Source: ECS 2013.*

## Collective employment relations

### Collective bargaining

#### Bargaining system

Collective bargaining takes place mainly at the company level. However, company-level collective agreements require the existence of trade unions, which limits the collective bargaining coverage in the Polish context. Collective agreements at sectoral level in Poland are very rare. At the national level, there is the Tripartite Commission for Social and Economic Affairs, whose responsibilities include setting the wage growth indicator for companies and the public sector. The Tripartite Commission also sets the statutory minimum wage rates.

Collective agreements are legally binding. The party that is authorised to conclude a collective agreement cannot refuse to enter into collective bargaining if it aims at concluding a new collective agreement or if the change in an existing collective agreement is required because of a significant change in the economic situation of an employer or the worsening situation of employees.

The process of decentralisation and the abandonment of the supra-company and sectoral collective agreements have become a permanent trend in the industrial relations system.

### Wage bargaining coverage

According to the European Company Survey data, wage bargaining at the company level covers 50% of the establishments/companies studied in the ECS, while 10% of entities studied were covered by 'occupational level' wage bargaining. The average for all levels was 54%.

### Collective wage bargaining coverage of employees at different levels

		Source
All levels	54%	2013 – ECS
All, excluding national level	54%	2013 – ECS
All levels	47%	2010 – SES

*Sources: Eurofound, European Company Survey 2013 (ECS), private sector companies with establishments >10 employees (NACE B–S) – multiple answers possible; Eurostat, Structure of Earnings Survey, companies >10 employees (NACE B–S), single answer: more than 50% of employees covered by such an agreement. For more information on the methodology, see here.*

There are no systematic administrative or survey data on the coverage of collective agreements and their evolution over time in Poland. According to the last published report of the National Labour Inspectorate (Państwowa Inspekcja Pracy, PIP), in 2013 a total of 109 single-employer collective agreements covering 43,000 employees were registered (around 0.4% of employees), compared to 92 single-employer collective agreements covering 61,000 employees registered in 2012. At the same time, there was a constant decline in the number of protocols to the existing agreements (which are a way of renewing or changing them) registered (2,830 protocols in 2009 and only 1,864 in 2013). Taking into account that only a small fraction of companies are covered by collective agreements of any kind, it is quite likely that the ECS results are overestimated and that the question asked during the interview was understood by interviewees in terms of the existence of any kind of company-level pay regulation which is collectively agreed, even if the latter has no status as a registered collective agreement, such as pay regulation (*regulamin wynagradzania*). In the Polish regulations there is no 'occupational level' of collective bargaining.

The latest data included in the ICWTSS database suggest that the collective bargaining coverage in Poland in 2010 amounted to 28.9%. This figure seems to be closer to reality.

Another level, not specifically included in the ECS data, is the multi-employer level. The number of multi-employer collective agreements is decreasing and no genuinely new multi-employer agreements were concluded in recent years. In 2014, 86 multi-employer collective agreements registered by the Ministry of Labour and Social Policy (Ministerstwo Pracy i Polityki Społecznej, MPiPS) were in force, of which 76 covered administrative and technical employees in educational institutions (except for teachers). There is no current data on the number of workers covered by multi-employer agreements, but as of 2013, they covered 390,000 employees (some 2.7% of employees).

### Bargaining levels

The main level for any collective negotiations of wages and working time is the company level. However, instead of concluding collective wage agreements, employers usually prefer to draw up in-house remuneration rules (pay regulations), as mandated by the Polish Labour Code for entities employing at least 20 people (Clause 77/2(1) of the Labour Code). If there are unions present, then pay regulations are subject to bilateral agreement. In smaller entities, remuneration issues are regulated by individual employment contracts between the employer and individual employees.

In theory it is also possible to negotiate wages and working time through multi-employer collective agreements, but this possibility is rarely used in practice. At the national level, the minimum monthly wage is negotiated on an annual basis within the Tripartite Commission.

### Levels of collective bargaining, 2014

	National level (intersectoral)		Sectoral level		Company level	
	Wages	Working time	Wages	Working time	Wages	Working time
Principal or dominant level					x	x
Important but not dominant level						
Existing level	x		x	x		

### Articulation

The legislation that links various collective bargaining levels is rather poorly developed in Poland. The most relevant provision of the Labour Code (Clause 9(2)) says that the stipulations of company-level and multi-employer collective agreements and any regulations at the company level cannot be less advantageous to workers than the Labour Code. According to Clause 9(3) of the Labour Code, the rules (including in-house remuneration rules) and statutes introduced at the company level cannot be less beneficial to workers than collective agreements.

### Timing of the bargaining rounds

No data are available on the timing of company-level and multi-employer collective bargaining.

The procedure for setting the minimum wage consists of the following stages:

- by 15 June, the Council of Ministers submits a proposal for the minimum wage rate for the subsequent year to the Tripartite Commission;
- by 15 July, the Tripartite Commission sets the minimum wage rate;
- by 15 September, the prime minister announces the minimum wage rate.

### **Coordination**

There is no central mechanism of wage bargaining coordination in Poland. In practice, the only legally set threshold for wage bargaining is the minimum wage. Given the lack of multi-employer wage agreements in most sectors, the relevance of formal horizontal coordination is limited.

### **Extension mechanisms**

Clause 241/18 of the Labour Code states that multi-employer collective agreements can be extended by decree of the Ministry of Labour and Social Policy to employers that are not affiliated to the signatory employers' organisations following a joint request of an employers' organisation and a multi-employer trade union. However, this legal opportunity is not used in practice as multi-employer collective agreements are very rare in Poland.

In addition, Clause 241/10(1) of the Labour Code makes it possible for parties who are entitled to conclude a collective agreement to apply an existing collective agreement (or a part of it) that they did not conclude. There is no information about the scope of such extension procedures in practice. In addition, Clause 241/9(3) of the Labour Code gives the parties of a collective agreement the right to allow a trade union that was not a party of the collective agreement to join it.

### **Derogation mechanisms**

By virtue of Clause 241/27 of the Labour Code, company collective agreements and multi-employer collective agreements, or their parts, can be suspended by signatory parties for a period no longer than three years due to economic difficulties of the employer. According to the most recent report of the National Labour Inspectorate (Państwowa Inspekcja Pracy, PIP), the number of agreements to suspend a collective agreement due to the economic problems of employers declined from 130 in 2010 to 85 in 2011, 76 in 2012 and 74 in 2013. There is no information about the sectoral coverage of the suspensions.

### **Expiry of collective agreements**

Collective agreements can be concluded for a definite or indefinite period of time. The agreements can be dissolved based on the unanimous declaration of both parties or at the end of the period for which an agreement was concluded. Alternatively, the agreements can be terminated if one party gives notice (usually three months). If collective agreements expire and are not renegotiated, they cease to be legally binding.

### **Other aspects of working life addressed in collective agreements**

In general, there is no information about the content of collective agreements except for the brief reports of the National Labour Inspectorate (PIP). According to the last report (from 2013), the range of topics tackled by collective bargaining at the company level is systematically reduced to the issues of wages and the minimal provisions of labour law; other issues are not reported as

being tackled in collective agreements. In 73 (out of 109) collective agreements registered in 2013, special pay bonuses were provided, and in 75 there are better regulations of retirement gratuities than in the general legislation. There were also cases of additional bonuses for night work and overtime.

## Industrial action and disputes

### Legal aspects

The right to strike is ensured by the Constitution and the ILO Conventions (ratified by Poland, and thus binding). In particular, the Act on Resolving Collective Disputes (*Ustawa o rozwiązywaniu sporów zbiorowych*) of 1991 defines the terms and conditions of a strike. In order to initiate a strike, the following conditions need to be met:

- the collective dispute has not been resolved due to failed negotiations and unsuccessful mediation;
- a possibility of a strike should be mentioned in the notification of the collective dispute delivered to the employer, and the strike cannot be initiated earlier than 14 days after the notification;
- while making the decision to initiate a strike, the employee representation in the collective dispute should take into consideration whether demands addressed are proportional to the potential losses the strike can cause.

A strike can be called despite not meeting the above-mentioned conditions if the employer's unlawful actions prevented negotiations or mediation, and also if the employer dissolves the employment relationship with the leader of the strike.

A collective dispute (*spór zbiorowy*) is an industrial dispute that emerges as a result of a disagreement between the employee representation (trade unions) and employer over such issues as working conditions, pay or social benefits and rights and freedom of association of employees or other groups of workers entitled to trade union membership. Certain occupational groups do not have the right to enter into collective dispute: policemen and functionaries of the Border Guard, State Penitentiary Service, State Firefighting Service and the Superior Chamber of Control (state auditor).

If the mediation process does not appear to be leading to a resolution of the collective dispute within the legal timeframe (the 'grace period' of two weeks for seeking a resolution of the dispute by means of negotiations and/or mediation), the union organisation that has initiated the collective dispute has a right to call a one-time warning strike lasting no longer than two hours.

To defend the rights and interests of employees who do not enjoy the right the strike, trade unions in other workplaces can initiate a solidarity strike lasting no longer than half a working day.

The law stipulates that other forms of industrial action can be resorted to if the legal proceedings envisaged by the law for the collective dispute resolution produced no result, despite having been duly performed. Those 'other forms of protest action' are not explicitly named but have to meet the following conditions: they cause no harm to health and life, cause no interruption of work and do not violate the law. Employees who do not enjoy the right the strike can resort to those 'other forms of protest action' too.

Farmers have a right to protest according to specific rules set by the farmers' trade unions.

There are other forms of industrial action not named explicitly by the law but recognised in the official reporting and domestic literature: work-to-rule, refusal to do overtime, work stoppage, blockade, occupation and hunger protest.

Employees working for the state, central government administration, local public administration, courts of law and public prosecutor offices do not enjoy the right to strike. Furthermore, there are a number of workplace types where no strikes are allowed, including the police, armed forces, intelligence, Border Guard, State Penitentiary Service, Customs and firefighting units.

#### Incidence of different forms of industrial action, 2010–2013

Work-to-rule or refusal to do overtime	3
Work stoppage or strike for less than a day	1
Strike of a day or more	0
Blockade or occupation	0

*Note: Percentage of private sector establishments reporting any form of industrial action during the indicated period.*

*Source: European Company Survey*

#### Industrial action developments, 2012–2014

	2012	2013	2014	Source
Working days lost per 1,000 employees	12.9	10.1	n.a.	<i>Annual Yearbook for Poland, Central Statistical Office (Główny Urząd Statystyczny, GUS)</i>
Number of strikes	17	93	n.a.	<i>Annual Yearbook for Poland, Central Statistical Office (Główny Urząd Statystyczny, GUS)</i>



All social conflicts registered by the Ministry in the course of continuous media monitoring	n.a.	n.a.	354	Ministry of Labour and Social Policy (MPiPS)
--	------	------	-----	--

## Dispute resolution mechanisms

### Collective dispute resolution mechanisms

The main collective industrial dispute resolution mechanisms are:

- Negotiations: The parties to the collective dispute negotiate on their own to seek a resolution of the dispute.
- Mediation: Following the failure of negotiations, the parties request that a mediator (from the official list of mediators maintained by the Ministry of Labour) is appointed by mutual consent of both parties. If the parties are unable to consent, the mediator is appointed by the Ministry unilaterally.
- Arbitration: If the mediation is unproductive, instead of calling a strike (to which they are entitled), the employee side may request that the dispute is settled by the Collegium of Social Arbitration (Kolegium Arbitrażu Społecznego), a special organ of a court of law.
- Goodwill mission: A special dispute resolution path for settling rows in employment relations which for legal reasons (the scope of issues to be subjected to collective disputes is explicitly named by the law) cannot escalate into a formal collective dispute. Goodwill missions can be carried out by the Regional Social Dialogue Commissions (WKDS).

### Individual dispute resolution mechanisms

There are two main ways to settle individual disputes:

1. Judicial: Before labour courts, which recognise cases and resolve disputes authoritatively.
2. Non-judicial:
  - by workplace-level conciliation committee (*zakładowa komisja pojednawcza*), at the request of the employee, who may seek to resolve the dispute in such a way before going to court. The body is established by the employer and company-level trade union (or solely by the employer if there is no union) and is to settle the dispute within 14 days; or
  - by mediation at the request of the employee or the employer, who may seek to resolve the dispute in such a way before going to court (mediation may be undertaken even while the case is in court). Mediation of this kind is regulated not by labour law, but by civil law.

## Use of dispute resolution mechanisms

	2012	2013	2014
Negotiations	3	1	2
Mediation	19	7	10
Negotiations and mediation	28	24	39

*Note: No data on the number of disputes and disagreements being appealed by means of arbitration and goodwill missions are available, but the Ministry states that the occurrence of the former is very rare and no information on the latter is accessible.*

*Source: Ministry of Labour and Social Policy*

## Individual employment relations

### Start and termination of the employment relationship

#### Requirements regarding an employment contract

In line with Clause 65, item 3 of the Constitution and Clause 190 of the Labour Code, the minimum working age is 16 (on 1 September 2018 it will be lowered to 15 years of age). Entering an employment relationship requires a written contract that specifies the parties of the contract, the place of performing work, remuneration and its components, working time and the starting date of work (Clause 29(1) of the Labour Code). The written employment contract has to be issued at the date of commencing work at the latest.

#### Dismissal and termination procedures

At an individual level, dismissal and termination issues are regulated by Chapter 2 (Section 2) of the Labour Code. In general, the following are ways of terminating the employment contract:

- by mutual consent of parties to the contract;
- by decision of one of the parties with notice (termination with notice);
- by decision of one of the parties without notice (termination without notice);
- by ending the period for which the contract has been concluded;
- by completion of work for which the contract has been concluded.

In case of non-fixed employment contracts, length of notice depends on the work span of the employee (if the person has been employed for at least three years, the notice runs for three months). When the contract is terminated with notice by the employer, the employee has a right to time off for the purpose of seeking new employment (two days, if the notice runs for less than three months and three days if the notice is three months).

In the case of union members, employers are obliged to notify the union about their intention and to give grounds for termination of the contract before giving notice.

Employment contracts cannot be terminated for employees who are less than four years away from retirement age (pre-retirement protection).

Employees can be dismissed on disciplinary grounds (Clause 52 of the Labour Code) following a serious breach of their employee obligations, a criminal offence resulting in a court sentence or by losing their professional certification due to their own misconduct.

At collective level, redundancies are subject to a separate regulation (the Act on Collective Redundancies).

## Entitlements and obligations

### Parental, maternity and paternity leave

Parents in Poland can benefit from maternity leave, parental leave and paternity leave. According to the data from the Social Security Institution (ZUS), paternity leave is becoming more popular in Poland: in December 2014 there were 14,100 fathers on paternity leave compared to 2,200 fathers in December 2013.

### Statutory leave arrangements

	Maximum duration	Rate of reimbursement	Who pays	Legal basis
--	------------------	-----------------------	----------	-------------

<p>Maternity leave</p>	<p>20 weeks (14 of them are reserved for mothers, after which time fathers can use the six weeks that are left). Maximum six weeks can be used before the birth of the child.</p> <p>The duration of basic maternity leave is longer in case of giving birth to twins (31 weeks), three children (33 weeks), four children (35 weeks) or five or more children (37 weeks).</p> <p>If a woman gives birth to one child, she can apply for an additional six weeks of maternity leave; in case of twins the leave can last for eight weeks.</p>	<p>100% for 26 weeks' leave.</p> <p>80% for 52 weeks' leave.</p>	<p>The Social Security Institution (ZUS).</p> <p>In with more than 20 employees, it is paid by the employer (from the contributions paid to ZUS).</p>	<p>Labour Code and the Act on Financial Benefits Related to Illness and Maternity Paid by Social Security</p>
<p>Parental leave</p>	<p>Maximum 26 weeks. It can be divided into three parts, which can be used both by the mother and father – they can take the leave at the same time (13 weeks each) or one of them can take all the leave. One part of the leave has to last for at least eight weeks.</p>	<p>60–80%</p>	<p>The Social Security Institution (ZUS).</p> <p>In companies with more than 20 employees, it is paid by the employer (from the contributions paid to ZUS).</p>	<p>Labour Code and the Act on Financial Benefits Related to Illness and Maternity Paid by Social Security</p>
<p>Paternity leave</p>	<p>14 days (including Sunday and Saturday). It can be used from the birth of the child until he or she is one year old.</p>	<p>100%</p>	<p>The Social Security Institution (ZUS).</p> <p>In companies with more than 20 employees, it is paid by the employer (from the contributions paid to ZUS).</p>	<p>Labour Code and the Act on Financial Benefits Related to Illness and Maternity Paid by Social Security</p>

**Sick leave**

Issues related to sick leave are subject to regulation by the Act on Financial Benefits Related to Illness and Maternity Paid by Social Security. While on sick leave, employees are entitled to a sick leave allowance (in general, it amounts to 80% of the regular pay, with the exceptions of sick leave collected during pregnancy, resulting from accidents that occurred on the way to or from work or if undergoing medical examination or procedures involving donating cells, tissues or organs (100% equivalent of the benefit amount) or staying in the hospital (generally 70% of the regular pay).

For the first 33 days, the sick leave allowance is paid by the employer. After 33 days it is paid by the Social Security Institution (Zakład Ubezpieczeń Społecznych, ZUS). The sick leave allowance can be collected for 182 days at most. If the employee is unable to return to work after 182 days, they are subjected to a medical check by ZUS to determine whether they qualify for a disability pension. In standard cases, the termination of the employment relationship while on sick leave without a notice period is not allowed (as long as the employee is not present at work) (Clause 41 of the Labour Code). It is also possible to terminate the employment relationship in case of employees who are on sick leave longer than three months and were previously employed for less than six months (Clause 53/1(1a) of the Labour Code).

### **Retirement age**

Until 1 January 2013, the retirement age for men was 65 and 60 for women. According to the amendment to the Act on Pensions signed by the President of Poland on 1 June 2012, from 1 January 2013 the retirement age was raised to 67 for both women and men. The regulation does not apply to men born after 31 December 1947 and women born after 1 January 1953. In practice, the retirement age increases by three months every year. The target age of 67 for men will be reached in 2020 and for women in 2040. A partial pension (50% of the full pension) is available for women from the age of 62 if they have paid social security contributions for at least 35 years, and for men from the age of 65 if they have paid contributions for at least 40 years.

## **Pay**

### **Minimum wages**

The national minimum wage is set annually in accordance with the Minimum Wage Act of 2002. The Tripartite Commission determines the wage for the next year based on proposals submitted by the government. The decision has to be made unanimously by the social partners and the government. The figure proposed by the government must not be less than the current minimum wage, adjusted to the Consumer Price Index (CPI) forecast for the next year. If the current minimum wage is lower than 50% of the national average pay, the following year's proposed minimum wage also has to be increased by two-thirds of the percentage growth in GDP forecast for the following 12 months. If the Tripartite Commission fails to reach consensus, the government takes the decision unilaterally, yet the wage cannot be lower than the original proposal. In their first year of employment, the lower rate of 80% of the minimum wage applies. National minimum wage increases have been subject to unilateral decision by the central government since 2010, until 2013 due to the government's persistent disregard of the Commission's decision, and in 2014 because of the trade unions' exit from the body.

For more information regarding the level and development of minimum wages, please see Eurofound's annual update on developments in collectively agreed pay or visit Eurostat.

## Collectively agreed pay outcomes

For more detailed information on the most recent outcomes in terms of collectively agreed pay, please consult Eurofound's collective wage bargaining portal or Eurofound's most recent annual update on developments in collectively agreed pay.

Collective bargaining is highly decentralised and plays a marginal role in wage setting. There is no consolidated data source on single-employer collective agreements to which one could refer when searching for collective bargaining-related pay outcomes. In general, decisions on pay adjustments are taken unilaterally by employers.

## Working time

This section briefly summarises regulation and issues regarding working time, overtime, part-time work as well as working time flexibility in Poland.

### Working time regulation

The statutory weekly working time is subject to regulations of Chapter 6 of the Labour Code and amounts to 40 hours. The maximum working week including overtime cannot exceed 48 hours (in line with Directive 93/104/EC and the amended Directive 2000/34/ EC). In general, the working time should respect the statutory rest breaks in Poland, which are regulated in Chapter 3 of the Labour Code. Clause 132 says that employees have a right to 11 hours of rest a day. Clause 133 further stipulates that employees are entitled to a 35-hour undisturbed break per week, which also includes 11 hours of rest per day. Chapter 6, Part 4 of the Labour Code introduces various special systems and schedules for the organisation of working time, which can be used depending on job and work organisation requirements. Besides the basic working time schedule (eight hours per day), there are also regulations that allow for exceeding the norm of eight hours per day and 40 hours per week, task-based systems, interrupted working time systems, shortened working week and weekend work systems. Except for shortened working week and weekend work systems, which need to be introduced in an individual contract, other working time systems can be based on collective agreements or general work regulations introduced by an employer.

For more detailed information on working time (including annual leave, statutory and collectively agreed working time), please consult Eurofound's most recent annual update on working time.

### Overtime regulation

According to the Labour Code (Clause 151), overtime is work performed beyond the statutory limits of weekly working time (40 hours) and work performed beyond the extended 24-hour working time limit of eight hours, reflecting the existing system and schedule of work. It can be introduced in the case of a necessary rescue operation in order to protect human life or health, to protect property or the environment, to repair a breakdown, or in the case of specific employer requirements. The number of overtime hours worked in connection with specific employer requirements cannot exceed 150 hours in a given calendar year for an individual employee unless another (lesser) limit is specified in a collective agreement, work regulations or individual contract. In general, compensation for overtime work can be done through additional remuneration or time off in lieu. The employee is entitled to additional remuneration for daily

overtime which equals to 100% of their normal remuneration in case of overtime work performed at night, on Sundays and public holidays which are not his or her normal working days, as well as on holidays offered to an employee in exchange for work on Sundays and public holidays and in case of any overtime performed beyond the statutory weekly working time (40 hours). In other cases, 50% of the normal remuneration is paid.

## Part-time work

Part-time work in Poland is defined as working hours that amount to less than the statutory 40 hours per week. It is regulated by the Labour Code, including the rules of minimum remuneration, annual leave and non-discrimination against full-time employees with respect to wages, working conditions, access to training, career and skill development and other factors. Individual contracts of part-time employees should also include the specification of weekly working time organisation and overtime arrangements.

The share of part-time employees in Poland declined from 8.4% in 2010 to 7.8% in 2013. Similar to other EU Member States, part-time employees in Poland are more often women (10.4%) than men (4.5%). Low wages and the popularity of civil law contracts, which offer more advantages for an employer compared to standard part-time contracts, might explain the relatively low expansion of part-time work in Poland.

## Working time flexibility

The most important developments with regard to working time flexibility took place in Poland in 2013, involving changes in the Labour Code and the Trade Union Act (in force since 23 August 2013). The changes introduced regulations that enable employers to introduce a one-year reference period for calculating working time instead of four months, as long as it is justified by objective, technical or organisational reasons. In unionised workplaces in which company-level collective agreements exist, a new reference period needs to be included in the collective labour agreement (*układ zbiorowy pracy*) or introduced by a weaker form of an agreement with trade unions (*porozumienie zbiorowe*). In non-unionised workplaces, the introduction of a longer reference period requires an agreement with the ad hoc worker representatives elected according to the customary rules in a given workplace.

In the same legislative reform, flexitime was introduced in the Labour Code. It includes a possible variation in the time when work should start during the working day and the definition of the time span in which an employee decides to start his or her work. Both issues can be introduced either in the same way as the one-year reference period or based on an individual written request from an employee. In addition, it is possible to introduce weekly working schedule variation which covers a period of a minimum of one month (Clause 129(3) of the Labour Code).

As the ECS 2013 data below show, in most companies (65%) the possibility of employees starting and ending their working day according to their personal needs is limited to a minority of staff.

### Proportion of establishments reporting that some employees have the possibility to adapt the start and end of their working day according to their personal needs

Establishment size	None or fewer than 20% in the establishment	Between 20–80% in the establishment	More than 80% in the establishment
--------------------	---	-------------------------------------	------------------------------------

10-49	63%	22%	15%
50-249	79%	15%	6%
250+	81%	14%	5%
Total	65%	21%	14%

Source: European Company Survey 2013

## Health and well-being

### Health and safety at work

The number of workplace accidents decreased dramatically between 2008 and 2009. That favourable change was somewhat mitigated in the following years, as the volume of working time lost due to accidents rose between 2010 and 2011, only to shrink again in 2012. Overall, the situation seems to have been relatively stable.

#### Accidents at work, with four days' absence or more – working days lost

	2008	2009	2010	2011	2012
All accidents	78,816	62,721	67,359	69,352	67,472
Percentage change on previous year	-	-20.4%	7.4%	3.0%	-2.7%
Per 1,000 employees	6.5	5.1	5.7	5.8	5.6

Source: Eurostat, [hsw\_mi01] and [lfsa\_eegaed]

### Psychosocial risks

In Poland there are no regulations directly addressing psychosocial risks at work. However, there are a number of regulations dealing with psychosocial risks indirectly. In general, the Constitution reserves the right to healthcare and safe and hygienic working conditions for all citizens. There are also clauses in the Labour Code that regulate quality of work and the working environment:

- Clause 94 of the Labour Code defines the 'main obligations of the employer';
- Clause 94/3, item 2 of the Labour Code defines 'mobbing';
- Clause 227, item 2 of the Labour Code stipulates that the employer is obliged to provide safe and hygienic working conditions with the use of available of science and



technology and adjust the level of health and life protection to the evolution of working conditions;

- Clause 226 of the Labour Code defines the obligation to assess occupational risk;
- Chapter 2 of the Labour Code deals with equal treatment in employment.

Furthermore, in February 2014, six nationwide representative social partners' organisations (except BCC) signed the autonomous agreement on combating work-related stress. The agreement was formalised in April, and subsequently the signatory parties inaugurated the autonomous committee on psychosocial risks.

As for the key psychosocial risks highlighted in the table below, the data suggest the situation has been improving. Between 2000 and 2010, working conditions became better both in terms of work intensity and long working hours. As for discrimination, in 2010 the situation was slightly more favourable than in 2005.

### Selected working condition indicators affecting psychosocial risks

	2000	2005	2010
Work intensity: Working to tight deadlines at least a quarter of the time	51.2%	56.0%	50.9%
Long working hours: Working more than 10 hours once or more per month	44.1%	39.2%	35.3%
Discrimination: Having been subjected to discrimination at work over the past 12 months	-	3.1%	3.0%

*Note: More detailed figures are available from Eurofound's European Working Conditions Survey.*

*Source: Eurofound's European Working Conditions Survey*

## Skills, learning and employability

### National system for ensuring skills and employability

In Poland, the national system for ensuring skills and employability is based on a public institution called the Examination Board (*komisja egzaminacyjna*), which is responsible for skills validation and recognition. There are eight district Examination Boards, supervised by the Central Examination Board. A dual education system exists in Poland, albeit in a rudimentary form, as it is limited to the field of crafts. As a result, the Polish Crafts Association (*Związek Rzemiosła Polskiego, ZRP*) is the most deeply involved organisation among the national-level social partners as far as the national system is concerned. Furthermore, the process of completing the

modernised National Framework of Qualifications (Krajowa Rama Kwalifikacji), which is intended to be compatible with the European Framework of Qualifications, is very advanced. Most of the national-level social partners have been involved in the process of consultation over the changes to the National Framework of Qualifications and in preparing the draft legislation on the National System of Qualifications.

## Training

The education system in Poland is supervised by the Ministry of National Education (Ministerstwo Edukacji Narodowej, MEN). However, other institutions are responsible for training regulation and development. They include, most notably, the Labour Market Council (Rada Rynku Pracy) by the Ministry of Labour and Social Policy (MPIPS), which replaced the Central Employment Council (Naczelna Rada Zatrudnienia), and labour market councils at regional (*voivodship*) and district (*powiat*) level, which replaced employment councils (*wojewódzkie and powiatowe rady zatrudnienia*) in 2014 (the new institution has been operating since 1 January 2015).

The Labour Market Council is composed of nationally representative trade unions and employers' organisations, a joint committee of central government and self-government as well as the representatives of science and non-governmental organisations. The Council plays an advisory role to the Ministry of Labour and Social Policy with respect to developing measures aimed at full and productive employment and the development of human resources, elaborating National Action Plans and assessing the activity of the National Training Fund.

The National Training Fund (Krajowy Fundusz Szkoleniowy, KFS) commenced its operations in 2014. KFS is a special part of the Labour Fund dedicated to upgrading the skills and qualifications of people in employment. Until the end of 2015, KFS will focus on people aged 45 and more; afterwards it will become available to everyone.

Interestingly, there is some correlation between the existence of workplace representation at establishments and employees receiving paid time off for training. Workplace representation seems to support the access to training within paid time off for 20–80% of employees.

### Proportion of employees receiving paid time off for training, by existence of workplace employee representation and establishment size

Establishment size	Employee representation at establishment or company exists	None or fewer than 20% in the establishment	Between 20–80% in the establishment	More than 80% in the establishment
10–49	Yes	39	47	14
	No	43	35	22
50–249	Yes	43	41	16
	No	51	34	15

250+	Yes	26	59	15
	No	45	32	23

Source: European Company Survey 2013

## Work organisation

Work organisation underpins economic and business development and has important consequences for productivity, innovation and working conditions. Eurofound research finds that some types of work organisation are associated with a better quality of work and employment. Therefore, developing or introducing different forms of work organisation is of particular interest because of the expected effect on productivity, efficiency and competitiveness of companies, as well as on workers' working conditions. Ongoing research by Eurofound, based on EurWORK, the European Working Conditions Survey and the European Company Survey, monitors developments in work organisation.

For Poland, the European Company Survey 2013 shows that between 2010 and 2013, 40% of establishments with 10 or more employees reported changes in the use of technology, 40% introduced changes in ways to coordinate and allocate the work to workers and another 14% saw changes in their working time arrangements.

In April 2014, the 12th edition of the *Responsible business in Poland 2014: Good practices* ('Odpowiedzialny biznes w Polsce. Dobre praktyki') annual report was released by the Responsible Business Forum (Forum Odpowiedzialnego Biznesu). There are a few examples of good practice mentioned in the area of workplace innovation, including the Plus Idea (Idea na plus) programme by Pelion S.A., which is a platform for innovative business ideas formulated by the staff, and the International Innovation Forum (Międzynarodowe Forum Innowacji) by the Musketeers Group, which is a platform for addressing workplace innovations and dissemination of good practices that are already in place. According to the same report, there are still not many employment relations-oriented good practices implemented by companies in Poland. Of the few such examples highlighted in the report, the following two need to be mentioned: the creation of an employee spokesperson post and the Social Academy intended to serve as a forum for social dialogue at the company level by EDF Polska; and the implementation of the Charter of Labour Relations by Volkswagen Poznań.

## Equality and non-discrimination at work

The fundamental regulation dealing with the issues of equality and non-discrimination at work is Chapter 2a of the Labour Code. Furthermore, Clause 94/3, item 2 of the Labour Code defines and prohibits mobbing.

There are no bodies in place specifically designed to combat discrimination at work, but there are institutions whose remit covers equality and non-discrimination in general (the field of work and employment is also encompassed), such as the Ombudsman (Rzecznik Praw Obywatelskich) or the government's Plenipotentiary for Equal Treatment (Pełnomocnik ds. Równego Traktowania). Because equality and non-discrimination at work is subject to Labour Code regulation, the National Labour Inspectorate (PIP) is involved too.

## Equal pay and gender pay gap

Gender-related pay discrimination is prohibited. Nevertheless, the gender pay gap is persistent.

In February 2014, the national auditor (Najwyższa Izba Kontroli, NIK) issued a report on pay inequalities between men and women. Statistical analysis of earnings of more than 120,000 people working on the basis of employment contracts in the public sector (about half of whom were women and half were men employed in comparable positions) revealed that on average, women earn 10.82% less than their male colleagues. The gap almost doubled between 2006 and 2007 (7.5% to 14.9%), then fell dramatically to 4.5% in the period 2007–2010 and began to stretch again from 2010–2012, but at a moderate pace (by 1% annually).

## Quota regulations

No such regulations are in place.

## Bibliography

Gardawski, J. (2003), *Konfliktowy pluralizm polskich związków zawodowych* [Competitive pluralism of Polish trade unions], Friedrich Ebert Foundation, Warszawa.

Ost, D. (2000), 'Illusory corporatism in Eastern Europe: Neoliberal tripartism and postcommunist class identities', *Politics & Society*, Vol. 28, No. 4, pp. 503–530.

Visser, J. (2014), 'ICTWSS database: Database on institutional characteristics of trade unions, wage setting, state intervention and social pacts in 34 countries between 1960 and 2014', Institute for Advanced Labour Studies, AIAS, University of Amsterdam, Amsterdam. <http://www.uva-aias.net/207>

Source URL (modified on 2016-01-08 10:12):  
<http://www.eurofound.europa.eu/>

13 January 2016