

Poland

Legal Framework for Social Dialogue

UNFCCC Workshop

Sharing views and „experiences on economic diversification and transformation” and „just transition of workforce and creation of decent work and quality jobs” in context of sustainable development.

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Tomasz Chruszczow

Polish Constitutions's preamble

- Defines the act as *'as the basic law for the State, based on respect for freedom and justice, cooperation between the public powers, **social dialogue** as well as on the principle of aiding in the strengthening the powers of citizens and their communities'*.
- Article 20 of the Constitution: *'Social market economy based on the economic activity's freedom, private ownership and solidarity, **dialogue and co-operation of social partners, enacts the basic of economic system of the Republic of Poland'***.

Social dialogue goal and partners

- The aim is to create a socio-economic cohesion, legitimised by the society as broadly as possible.
- The social dialogue entails the involvement of **employers, employees and governments** into the decision-making process regarding employment and workplace-related issues.
- Includes all types of the **negotiations, consultations and an information exchange** between the representatives of abovementioned groups, on the issues of common interest, related to the economic, labour and social policy.

General information

- There is no legal definition of **Social dialogue**. The notion of Social Dialogue covers:
 - all mutual relations between organised workers and employers;
 - their relations with public administration (government, local self-governments other institutions;
 - permanent interaction between partners, who aim at reaching the agreement on diverse social and economic issues both in macro and micro levels.
- **Institutionalized – tripartite dialogue** – designated institutions negotiate/consult/... according to legal acts. Only „representative” organisations (both workers’ unions and employers federations) can participate and talk to public authorities.
- **Non- institutional dialogue** – collective bargaining agreements, consultations etc. Where the partners (employers and employees) execute their legal prerogatives. Inclusion of other civil society organisations is also possible.
- Ad – hoc (every day dialogue) – in case of urgencies

Social dialogue forms

- The social dialog may have a **tripartite** or **bipartite** form.
- The **bipartite** (autonomous) **dialogue** between social partners (i.e. the employees and employers) may have the form of collective bargaining or any other form of negotiation, cooperation, preventing and solving of the disputes.
- The **tripartite dialogue** – on country level – engages the representatives of employees, employers and government in the discussion on the public issues, projects of legal solutions and other decisions taken, concerning the interests of the employers and employees. It may be extended and apply to the other entities.

Social dialogue level

- **Country level** – central level, engaging social dialogue institutions (in Poland: Social Dialogue Council);
- **Sectoral** – covering sectoral problems and involving tripartite sectoral subgroups as well as the institutions of bipartite dialogue;
- **Regional** – on the regional (voivodship) level in Voivodship Social Dialogue Councils;
- **Enterprise level** – direct conversation between an employer and the representatives of trade unions, workers' council etc, but **without government representatives**.

Essential terms for effective social dialogue

- The independence of the trade unions and good balance between social partners.
- The existence of their organizational structures at the national level and their representativeness and ability to transfer the arrangements to the lower levels of their organizations.
- The existence of matters open to negotiations, i.e. the issues which are not fully, unilateral regulated by the state.
- Trust and willingness of all dialogue stakeholders to take common actions.



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The basic deeds concerning the social partners Contact

Social dialogue:

In the modern diverse societies where the interests of different groups are not convergent, it is generally accepted that people which are subject to the decisions being prepared should have the possibility to express their needs and to participate in the decision-making process. This fundamental rule shall apply to the way of acting of the broadly interpreted democratic institutions as well as to the world of work.

In the Polish Constitution's preamble this act is defined: *'as the basic law for the State, based on respect for freedom and justice, cooperation between the public powers, **social dialogue** as well as on the principle of aiding in the strengthening the powers of citizens and their communities'*. Moreover, the Article 20 of the Constitution states: *'Social market economy based on the economic activity's freedom, private ownership and solidarity, **dialogue and co-operation of social partners**, enacts the basic of economic system of the Republic of Poland'*.

The social dialogue entails the involvement of employers, employees and governments into the decision-making process regarding employment and workplace-related issues. This dialogue includes all types of the negotiations, consultations and an information exchange between the representatives of abovementioned groups, on the issues of common interest, related to the economic, labour and social policy. The aim is to create a socio-economic cohesion, legitimised by the society as broadly as possible.



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KAPITAŁ LUDZKI
NARODOWA STRATEGIA SPÓJNOŚCI



Ministerstwo Rodziny, Pracy i Polityki Społecznej
Departament Dialogu i Partnerstwa Społecznego

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Thank you!