

**Report on the Works of the National Commission
of NSZZ “SOLIDARNOŚĆ”
in the period of September 2002 – June 2006.**

(extracts)

IMPLEMENTATION OF THE UNION’S STRATEGY

XV National Congress of Delegates, starting in September 2002 in Warsaw the term of 2002 – 2006, ended the period of direct involvement of the Union in politics, set out the main areas of activity, made changes in the personal composition of the national authorities of the Union.

“Solidarność” faced a great challenge of restoring the public image of the organisation, which is mainly a trade union, and of regaining the trust of all Polish people, not only the Union members.

The Pope, John Paul II, in his speech in November 2003 described our situation in the following way: “It seems that it was politicizing the Union – a historical necessity as it might have been – that weakened the Union. (...) Let me say that if “Solidarność” really wants to serve the nation today, it should go back to its roots, to the ideals that it represented as a trade union”.

The first meeting of the new National Commission was convened at Jasna Góra, where we entrusted the Independent Self-Governing Trade Union “Solidarność” to Holy Mother before her Miraculous Picture.

Solidarity means: “all for one”.

One of the first decisions of the new National Commission was declaring 24 October 2002 the Day of Solidarity with the employees of Cable Factory at Ożarów Mazowiecki. In its address to the government, the Presidium of the National Commission proposed, *inter alia*, establishing a special economic zone on the factory premises. The idea was implemented.

As a continuation of the Union’s actions, in subsequent years we provided support and assistance to those who found themselves in dramatic situations:

- 30 August 2003 - to the employees of Factory Wagon S.A at Ostrów Wielkopolski,
- 16 September 2003 – to the employees of Hetman company in Elbląg,
- the delegates to XVI National Congress of Delegates in Stalowa Wola manifested their support to the postulates of Inter-Enterprise Commission from Stalowa Wola Steel Mill,
- 25 March 2004 – we organised pickets in Warszawa, Wrocław and Łódź, supporting the postulates of protesting employees of Wrocławska Jedyńka and PKS Kozienice,
- 7 April 2004 – we went to Szczecin to a national demonstration against anti-social policy of the government, and to support regional postulates.
- 7 May 2004 – there was a demonstration at Kozienice against dismissal of the president of the Enterprise Commission and 170 employees in PKS,
- in 2006 it was enough just to announce such a national action in front of the owner’s office in Bydgoszcz to make the ones responsible to start talks and restore to work the president of the Enterprise Commission from Poznań Goplana.

Numerous other actions undertaken by over-enterprise structures of the Union include supporting, *inter alia*, the following protests by the entire Union, depending on the capacities and needs:

- Health Protection Secretariat,
- Hard Coal Section and Miner’s and Energy Workers’ Secretariat,
- Railway Workers’ Section and Transport Workers’ Secretariat.

Those structures undertook various forms of national actions, including warning and hunger strikes. Many other structures applied for and received financial/in kind assistance from the National Strike Fund to cover the costs of the actions they undertook.

Effectiveness by focusing on selected tasks

Implementing the strategy of focusing on the most important problems during the previous term of office, initially under the slogan: “Hands off the Labour Code”, we continued the protests against liberalised Labour Code adopted by the Sejm [lower house of parliament] in July 2002. According to the government and employers’ community it was to reduce unemployment. Today we have justified grounds to call the amendments a “Labour Code lie”, as the promised effects of reducing unemployment due to more flexible Labour Code and labour law did not take place.

And at the end of 2002 and the beginning of 2003 “Solidarność” ran a campaign under the slogan: “There are no unnecessary people in Poland”, to protect the people approaching retiring age, threatened with job loss. The campaign, including, *inter alia*, a poster campaign, was to gain social support for citizen legislative initiative

restoring pre-retirement benefits in the amounts from before 31 December 2001. *Inter alia*, the following took place as parts of the actions to protect the dignity of working people: 25 April - a demonstration in Warszawa attended by over 20 thousand people, and demonstrations and pickets all over Poland, in the poviats of the highest unemployment rate. The citizen legislative initiative concerning pre-retirement benefits was signed by almost 700 thousand people and submitted to the Speaker of the Sejm on 29 April 2003. On the day of the first reading the bill in the Sejm a peaceful picket of over two thousand participants to support the bill took place in front of the Sejm buildings. But the bill did not win enough support in the Sejm.

The problem of pre-retirement benefits was presented as a part of the agreements in Tripartite Commission for Socio-Economic Issues and will be raised by "Solidarność" together with the bill on bridge old age pensions.

The crime of not paying salaries was considered to be a very important social problem. The practice, not pursued to a satisfactory degree by the prosecutor's office and the courts of justice, started to become popular as a convenient form of credit for companies run by dishonest employers. We launched an action of informing and condemning the practice in September 2003 in Elbląg, with a national manifestation of support for the employees of Hetman company fighting for salaries and jobs. In the National Commission's resolution we worded the postulates for stricter legislation in this respect. A poster action was implemented all over Poland, the result being increased social condemnation for such behaviours of employers and increased activity of State Labour Inspectorate in terms of fighting the practice.

The autumn of 2003 was a period of special increase of social tensions. XVI National Congress of Delegates at Stalowa Wola obliged the National Commission to carry national consultations on protest action, general strike included. The result of the consultations indicated support of the Union members for protest actions other than a strike. Thus the National Commission announced in November National Days of Protest against Anti-Social Policy of the Government, under which a lot of events organised by the structures of the Union took place.

The employers' evading signing job contracts is still an increasingly dangerous pathology, constituting threats in many areas. In its resolution adopted in 2004 the National Commission pointed out to the fact that unfair competition consisting in the forms of employment not included in the Labour Code and collective bargain contracts, is becoming one of the most important threats to the employees, thus a challenge to the Union.

The popular slogans of flexible job contracts, lowering labour costs and reducing unemployment are just a cover for the plague of unfair competition, which kills the companies employing people according to the Labour Code provisions, results in increased unemployment and reduced contributions to the so called solidarity systems: old age pension, disability pension and health insurance system, and reduced tax revenues, which causes additional burden to the budget in terms of Social Security Fund. It is not the so called "black employment" but "false self-employment" and the growing popularity of temporary employment agencies as well as employment for a specified period of time that become the main sources of the pathology. The statistics indicate that among OECD countries only Spain has more job contracts for a specified period of time, and Spain had to defend itself from the drastically bad effects of such flexibility by concluding social pacts. The example of Spain was the reason why the Lisbon Strategy talks about combating unemployment by creating the so called "good jobs". Avoiding concluding regular job contracts deprives employees of their constitutional right of association and becoming members of trade unions.

The problem of combating unemployment and the perception of labour law comes down to defending and protecting workers' dignity. As Bishop Piotr Jarecki said in Warsaw in 2002, "If you find an effective method of defending and protecting workers' dignity in the free market and globalising economy, it will be an achievement comparable to the already regained freedom of our country."

Social agreement – a method to solve big problems

The importance of the problems that the employees and the Union face authorises solving them in the way of social agreements, as is done in other European countries.

The government and employers' organisations have extended offers of starting negotiating such a pact several times. We did not respond to the talks offer because the existence of a reliable partner on the government's side is one of conditions necessary to start negotiations and, possibly, to conclude an agreement.

It was only the invitation to negotiations extended by the government formed by Law and Justice party, especially after the majority coalition had been formed, that we treated seriously. The hope for successful negotiations and later implementation of what has been agreed increases with the declaration made by the President of the Republic of Poland Lech Kaczyński that he is willing to extend honorary patronage over the agreement.

In March 2006 the National Commission adopted a resolution expressing the will to start negotiating social agreement in Tripartite Commission for Socio-Economic Issues. Similar will was expressed by all the social partners of Tripartite Commission. Now the negotiations are being prepared.

Dialogue with the government, political parties and the president

Withdrawing from direct involvement in politics and introduction of statutory prohibition of combining the Union's functions with the government ones made it essential to develop methods of cooperation with the

government and parliamentary groups and to provide opportunities of influencing legislation drafting process in the interest of employees.

In the 2001 – 2005 term of the Sejm we had an impact on the form and substance of the law mainly through postulates and arguments in our opinions about bills and in citizen legislative initiative. We held a dialogue with the representatives of the government in Tripartite Commission for Socio-Economic Issues and through the so called tripartite sector teams at national level, and through Voivodship Social Dialogue Commissions. We also held working contacts with the MPs of the opposition.

At the turn of 2004 and 2005, before parliamentary elections, based on the list of the problems prepared by the Union, we held a series of meetings and consultations with Law and Justice, Citizens' Platform and League of Polish Families parties. The National Commission appealed to "Solidarność" members to participate in parliamentary elections. As a result of the elections the Sejm and Senate have Solidarność-related members, including two members of the National Commission – Ewa Tomaszewska and Stanisław Szwed. And Bożena Borys – Szopa was appointed the Chief Labour Inspector.

The presidential candidate, Lech Kaczyński was the guest of the National Commission and the Commission supported him. The newly elected President of the Republic of Poland had two meetings with the National Commission and a number of meetings with its representatives. We have a very positive opinion about our cooperation with President Lech Kaczyński.

Among negative phenomena, the weaknesses and deficiencies of social dialogue still persist. We expect considerable improvement in this area and we hope that taking up negotiations on social agreement will be helpful in this respect.

European integration

Joining the European Union by Poland on 1 May 2004 has been the most important of the recent years in political, historical and economic dimensions.

Most of the fears connected with the event proved untrue. The essential postulate of the Union, whose support for the accession was conditioned by adoption of social legislation, was met. We gained an opportunity to co-create the European social model and to implement its achievements in our country. We participate, with voting rights, in the negotiations of European Trade Union Confederation (ETUC) at European level, and indirectly, through the process of consultations with the government of the Republic of Poland, we have an impact on the shape of European legislation.

Charter of Fundamental Rights of the European Union has not yet become binding legislation, which is connected with the difficulties in ratification of the Treaty Establishing a Constitution for Europe. EU job market has been only partially opened for the employees from the new Member States, despite the fact that ETUC managed to work out an unanimously positive position for full integration of the European job market.

From the employee point of view the main objective of EU accession is bridging the gap between Poland and the countries of the "old Union" in terms of economic development and, following it, salary levels and social standards. Reaching the levels of the "old Union" can last a few years and that is why the National Commission adopted a position postulating combining salary increase with job efficiency increase, and higher salary pressure, thus expressing the growing social expectations of the people of Poland.

To remember

"Solidarność" has special reasons to remember its history. It has a duty to cultivate Solidarity ethos, to exercise impact in the spirit of this tradition on various groups and communities, the young generations of Polish people in particular.

We managed to celebrate 25th anniversary of signing the August Accords and establishing NSZZ "Solidarność" despite various threats, in a dignified way, allowing us to express gratitude and to honour the people and the communities to whom and which Poland owes its regained freedom, in the way contributing to building the authority of the Union. The national celebrations took place, chronologically, in Lublin, Szczecin, Gdańsk, Jastrzębie, Częstochowa and Jasna Góra.

30 August - XVIII National Congress of Delegates was held in Olivia Hall in w Gdańsk, and on 31 August – Holy Mass at the monument of Fallen Shipyard Workers by the Gdańsk Shipyard.

It must be emphasised, however, that it was the attitude of millions of Polish people that contributed to the common success of establishing "Solidarność" in 1980, and later to regaining the freedom of our Homeland. Many people and communities in Poland can pride themselves and be satisfied with their achievements and they deserve gratitude and appreciation of the people of Poland. During the anniversary celebrations "Solidarność" extended its recognition and thanks to all, and in particular to those that suffered in the fight for common ideals. To mark the anniversary we also extended our thanks to all the "anonymous heroes of >Solidarność<" at the Congress.

Many streets, roundabouts, squares and other places all over the country were named after “Solidarność” in the Jubilee year. We also sent our thanks and expressions of appreciation to all the organizers and participants of national and regional Jubilee celebrations, who contributed to restoration of the image of “Solidarność” among Polish society.

Many events connected with “Solidarność” took place in Poland and abroad. They all should be mentioned but we can list just a few here:

- * On 28 August 2003 the International Advisory Committee of UNESCO “Memory of the World” Programme entered two boards with 21 postulates from the strike in the Gdańsk Shipyard in 1980 into the list of the most important documents in the history of humanity;

- * In June 2005, to the request of Guy Ryder, Secretary General of International Confederation of Free Trade Unions (ICFTU), true replicas of the boards with 21 postulates were placed in the office of the organisation in Brussels;

- * In December 2004 Synergia 99 company donated the historic hall in which the August Accords were signed, together with the plot of land, to the National Commission of Independent Self-Governing Trade Union „Solidarność”. The hall now hosts the exhibition “Polish Roads to Freedom”, telling the story of the events and of signing the August Accords in 1980;

- * In July 2005, to commemorate “the historical bid for Freedom of Polish people” the Polish parliament established 31 August the Day of Solidarity and Freedom;

- * During XXI Pilgrimage of Working People to Jasna Góra the first exhibition space and the exhibition “National Bid of >Solidarność< in the Votive Offerings of the Pilgrims to Jasna Góra” were opened in St. Roch bastion owing to the efforts of the Foundation “Pro Patria”.

To emphasise the significance of the anniversaries in the following years we announced:

The year 2004 – the year of rev. Jerzy Popiełuszko, in the year of 20th anniversary of his death,

The year 2005 – the year of solidarity among people, in the XXV jubilee of the Union,

The year 2006 – the year of June workers’ uprising, in the year of 50th anniversary of Poznań uprising and 30th anniversary of protests in Płock, Ursus and Radom.

The Greatest Pole – John Paul II

On 2 April 2005 the whole World and Poland were in deep mourning on the death of the greatest Pole – John Paul II. Not long before, in the 25th year of His pontificate, in November 2003 we organised a national pilgrimage and visited our beloved Holy Father in the Vatican. His address to NSZZ “Solidarność” at that time is a sort of last will for us now. We counted very much on meeting John Paul II in Poland in the year of 25th anniversary of establishing “Solidarność”. Unfortunately, it did not happen. Numerous delegations of “Solidarność” were present at the funeral in Rome.

At the special XVIII National Congress of Delegates on 30 August 2005 in Gdańsk we paid a tribute to the greatest of Poles and sent a dedicated medal to the Vatican, and a copy of the medal to Częstochowa. We repeated our commitment to defending workers’ dignity, which the Pope also obliged us to do. “Solidarność” pilgrimage of about two thousand people went to His tomb in the Vatican on the first anniversary of his death. We prayed at the Holy Mass in St. Peter’s Basilica and for the first time, at the tomb of John Paul II.

Internal priorities and the standing of NSZZ “Solidarność”

The internal priorities of the Union are in a very practical way defined in the resolution of the National Commission or supporting statutory tasks, among which providing assistance to the employees wanting to associate and become members of a trade union is number one. Building the Union is our “be or not to be”. There is not a more important task for “Solidarność”. To assist in attaining this tasks there are union trainings, which develop the skills of the participants and improve the quality of our activities and their effects.

Internal union information and expert assistance to the Union members – are the tasks that the National Commission also considers important in the functioning of the organisation, and that is why it also allocates financial resources for that purpose and transfers them from the national level to the regions and sectors.

Adoption of a new statute of the Union in May 2004 at XVII National Congress of Delegates at Spała and its registration by the Regional Court in Gdańsk in July of the same year was an important internal event of the Union. It is a statute on which the Congress team and various structures of the Union, in the mode of consultations, had worked for many years. The adoption of the new statute was also important due to the solutions it contains, namely, possibilities of adapting the structure of the Union to the changing structure of the employer by introducing the so called enterprise coordination organisations.

The historical division and fragmentation of some structures had for years caused disputes, discussions and tensions in the Union. The problem became even bigger when the administrative structure of the country changed. According to the fundamental principle of NSZZ “Solidarność”, the decision on belonging to a given structure (range of operation in the case of regions) is up to the ones directly interested. The National Commission,

limited to registration powers, tries to motivate the structures to merge in the adopted resolution on standards, which obliges the structures to meet the minimum requirements. By the end of 2006 the team of the National Commission shall have worked out changes to the resolution on standards

The disputes and conflicts occurring in our structures are surely a factor weakening the Union. The National Commission is sometimes expected to play the role of arbiter definitely settling a dispute, while – according to the statute – the role of the National Commission must most often be limited to mediation and advisory function. We spent a lot of time trying to solve conflicts in an amicable way.

The answer to the question: did the Union grow in power, or did it lose its power at that time? – is one of the most important issues that serves the purpose of assessing this term of office.

No clear unambiguous parameters identifying the power and strength of the Union can be an excuse for not answering the question. Let us first adopt the number of members as an indication of the strength of the Union. Since the beginning of the 1990s, that is from the beginning of the transformation, the membership of the Union has decreased. At the end of the 1990s building the Union became a priority for us. We established a special department and started to allocate budget funds for its operation. Based on attachment No 1 to this information it can be seen that there appeared – individual regions so far – in which membership increased slightly during this term of office. There are more regions in which the membership declining trend was considerably slowed down and thanks to the activities of the Union the membership decrease is considerably lower than results from natural reasons, ca 4 % annually. Positive effects of the activities undertaken, although still not satisfactory, have already appeared. Building the Union must still remain our main internal priority.

Trust or lack of trust to the Union declared in public opinion polls can also be an indicator of strength. In OBOP polls made at the turn of 2001/02 the declared trust was at the level of 14% to 17%, and distrust to “Solidarność” was as high as 64-65% among the responding Poles. The same questions were answered by the respondents in another OBOP poll at the turn of 2005 – 2006, and the answers were the following: declared trust 31 – 32% and distrust 52 – 51%. So there has been a considerable improvement and “Solidarność” appears much better in the recent polls – in particular in comparison with other trade unions and employers’ organisations. The public was also asked about the identity of “Solidarność”. Still in June 2005, 22% of the respondents answered the question about the role of “Solidarność” in Poland saying that it was the role of a trade union, and 37 % that that of a political party. In March 2006 the same question was answered in the following way: 34 % - the role of a trade union and 29 % - of a political party. It has taken some time but “Solidarność” is slowly regaining its identity of a trade union in the public perception.

Financial standing is also an indicator of strength. Decreasing membership, unfortunately, means lower membership fee income, which is our great concern. At the national level, however, membership fees do not constitute the only budget revenues. Restoring proper order in economic entities of the Union and prudent management of other assets indicate that in the foreseeable future there are no significant threats to the financial functioning of “Solidarność” at the national level.

The strengths of the Union include the position of NSZZ “Solidarność” in international trade union movement. In the previous term of office a representative of “Solidarność” became a member of the strict management of ETUC and – it seems – we stand a good chance of maintaining the situation on in the next term of office. It gives „Solidarność” not only prestige but effectively increases the opportunities of trade union cooperation in the international arena. Building the structure of a new world’s trade union organisation, as a result of merger of World Confederation of Labour (WCL) and ICFTU brings us closer to the expectations formulated by “Solidarność” in 1998.

The answer to the initial question whether in the previous term of office the Union restored its strength is positive.

We would surely want the standing of the Union to be much better but let the wish for the better to be a strong motivation to continue hard work. Let us strengthen “Solidarność” where it exists, and let us build the Union where it does not exist at the moment. Let us try to attain the task posed by John Paul II J – let “Solidarność” be anywhere workers need assistance in defending and protection of their rights.

I. INTERNAL AFFAIRS OF THE UNION

1. Functioning of the National Commission

In the reporting period there were 32 meetings of the National Commission. 147 resolutions, 42 positions and 5 addresses were adopted, and one expression of thanks was extended. The work of the Commission was organised by 13-member Presidium, which held 175 meetings and adopted 1028 decisions, 35 positions, 4 addresses and 1 announcement.

The adopted documents were submitted, *inter alia*, to the structures of the Union and, for information, to the President, the Prime Minister, the Sejm, the Senate, the ministries and parliamentary clubs.

The members of the National Commission also worked in problem teams of the National Commission (their work was described in the annual reports to the National Congress of Delegates):

Team for labour law, conditions of work and collective bargain contracts

The team met 13 times. It dealt with the bills or amendments to the acts referring to labour law, conditions of work, powers of trade unions and control of conditions of work, working out positions or opinions on, *inter alia*, amendments in the following acts:

- Labour Code,
- on trade unions,
- on settling collective disputes,
- on negotiation system of shaping salary increase,
- on protection of workers' claims in the cases of employer insolvency,
- on State Labour Inspectorate ,
- and a position on the bill on information and consultation.

Team for social policy

The team met 14 times. It based its activities on the work of six thematic teams: for salaries, for social security, for family benefits, for social benefits, for housing and for the disabled.

The opinions on the following government strategies and programmes were discussed and worked out:

- Report "Rationalisation of social expenditures" (the so called Hausner's plan),
- National Strategy of Social Integration for Poland,
- National Action Plan for Social Integration for the period of 2004-2006 for Poland,
- Social Policy Strategy 2007-2013,
- National Development Plan 2007-2013,
- A Study by Ministry of Labour and Social Policy "The disabled in the job market in Poland 2003",
- Strategy for long-term development of housing sector for the period of 2005-2025,
- Multi-annual Programme "State Assistance in Providing Meals",
- National Programme of Reforms for the Period of 2005-2008.

The team also discussed, *inter alia*, the following problems: valorisation of old disability and age pensions, functioning of social welfare houses, thresholds of social intervention in social welfare, establishing social cooperatives, supporting employment of the disabled, minimum remuneration for work.

Team for counteracting unemployment

The team met 20 times. The following was done during the meetings:

- critical assessment of: Joint Assessment of the Government of the Republic of Poland and EU on employment policy JAP 2001, Social Policy Strategy 2002-2005, National Strategy for Social Integration 2004, Social Policy Strategy 2007-2013, National Strategy for Employment Increase and Human Resources Development 2002-2006, Reference Framework of Poland Employment 2003, Socio-Economic Strategy, Entrepreneurship – Development and Job 2002, National Action Plan 2005, National Plan of Activities for Employment 2006, National Development Plan 2004-2006, National Programme of Reforms 2005-2008, assumptions and the act on promotion of employment and institutions in the job market, and the government bill on pre-retirement benefits and Hausner's programme,
- getting acquainted with EU documents, i.e. the Lisbon Strategy, Integrated Guidelines for Economic Development and Employment Increase in EU, Social Diagnosis 2003 and 2005, UNDP Report "In care for work" the year 2005, Employment Policy 2005, the Dublin Foundation, Conditions of Living 2003 – 2005,
- writing rationale to the citizen bill on employment and counteracting unemployment to restore pre-retiring benefits,
- working out an opinion on the Strategy for Development of Administration Staff for the period of 2007 – 2015, in progress.

Team for economic policy

The team dealt with:

- implementation of tasks resulting from the programme resolution and other resolutions of the National Congress of Delegates and the National Commission,
- sector problems,
- budget assumptions for subsequent years,
- taxation system in Poland,

- effects of increased VAT in construction industry,
- “white” and “green” book of Hauser’s programme,
- programme 50+,
- assumption to the National Development Plan for the period of 2007-2013,
- the problem of self-employment,
- temporary work agencies,
- expressing opinion on the Act on Guarantees of Economic Freedom.

Team for negotiations of bridge old age pensions

The team met 9 times. It worked out and expressed opinions on the drafts of the following documents:

- report on implementation of tasks of the Team for Work Medicine Experts for Verification of the List of Types of Jobs in Special Conditions and List of Jobs of Special Character (May 2006),
- citizen bill on change of the act on old age and disability pensions from Social Insurance Fund and some other acts (the so called OPZZ project, January 2006),
- changes in the act on old age and disability pensions from Social Insurance Fund in its part referring to earlier retiring age for the persons employed in special conditions and in special character (opinions in January and March 2005),
- citizen bill on change of the act on old age and disability pensions from Social Insurance Fund (the so called miners’ pensions, May 2005),
- the bill on bridge pensions and compensations (December 2004).

The members of the team also participated in the works of the Social Insurance Team of Tripartite Commission for Socio-Economic Issues and in the works of the Sejm Social Policy Commission.

Team for foreign policy, European integration and ILO

The team met 8 times. It dealt with the current activities of the Union in international cooperation and European integration areas, and with preparing the decisions of the National Commission and the Presidium of the National Commission on those issues. It was also a forum of exchange of opinions and information.

In particular, the works on the team focused on:

- cooperation with ETUC after the congress in Prague in 2003 and enlargement of the European Union,
- promotion of union unity at international level in the context of cooperation with ICFTU and WCL and preparing the congresses of the two organisations,
- discussion on the Treaty for a Constitution for the European Union and preparing the position of the National Commission on the issue,
- activities of the Union under ILO,
- analysis of the process of establishing Paneuropean Council of Trade Unions,
- bilateral cooperation, with neighbouring countries in particular,
- cross-border cooperation,
- support for independent trade unions in the world,
- internal European Union migration and gradual opening of the European job market,
- “Solidarność” demonstrations at European level,
- European project.

Team for development of the Union

The members of the team worked out the tasks of NSZZ in developing NSZZ “Solidarność”, based on the programme resolution of XV National Congress of Delegates and strategy of NSZZ “Solidarność” entitled “Associating workers”. The following were considered to be the most important issues:

- activities for maintaining among union activists the conviction that it is necessary to acquire and associate workers in the Union and that it is a significant and important task,
- making regions and sectors more active in associating workers.

During the reporting period the members of the team monitored the implementation of the tasks identified at the beginning of the term of office.

Team for union education

The team was to assist in building a strong and efficient Union by making use of various types of trainings, based on the expertise and experience of own or external staff. The members of the team worked on defining:

- the relations and links between Training Department of the National Commission and the structures of the Union and training groups (how many?, who?, how to select?),

- training themes and training content,
- training staff, content and functioning of training database (instructors, programmes and trained persons).

The following was worked out during the meetings:

- training objectives,
- training priorities,
- minimum knowledge necessary for union job,
- ways of implementation and monitoring of adopted tasks.

Team for information, internal communication and promotion

The team met 3 times. The team worked out the rules of standardisation and functioning of the system of handling e-mail accounts and websites (resolution of the National Commission No 9/04 of 9 March 2004), thus implementing a part of the resolution No 14 of XV National Congress of Delegates on uniform IT system. By the end of the term of office handling e-mail accounts in solidarnosc.org.pl domain had been introduced in 26 regions, 13 national secretariats and 33 national sections. To the initiative of the team, media training courses on “how to present oneself on the radio and television” were delivered for the Union activists and seminars for the Union journalists to improve professional skills and to exchange information were organised.

Council of Presidents (previously, till May 2004 - Team for the Union’s policy)

During this term of office the team met 23 times. With less frequent meetings of the National Commission, those meetings played an important informative, consultation and coordination role and were used as a forum of working out some decisions to be considered at the meetings of the National Commission.

The meetings held discussion on, *inter alia*, working out the strategy of the Union in the context of current social, political and economic developments and changes in the Statute, the Statute related resolutions, standards of functioning of the regions and sectors, as well as the issues of association of workers. The Union’s tactics for the negotiations in progress in Tripartite Commission for Socio-Economic Issues was set out, the issues connected with the protests announced by the Union and with preparing the celebration of 25th anniversary of establishing NSZZ „Solidarność” were dealt with.

The meetings of the Council were also a forum of discussion on the role of the Union in politics. Before the parliamentary and presidential elections the team had meetings (open for the members of the National Commission) with delegations of Law and Justice, League of Polish Families and Citizen’s Platform parties to learn about their election programmes and their positions on the over ten problems raised by the Union.

2. Organisation and structure of the Union

2.1 Internal law of the Union

The change of the Statute at XVII National Congress of Delegates in 2004 made it necessary to change all the resolutions of National Congresses of Delegates and the National Commission concerning: membership, procedural and organisational issues, holding union’s functions. A new elections statute was developed. The 2006 elections to the authorities of the Union at all levels, with the exception of the elections at the National Congress of Delegates, were held according to the new elections statute. In total, the National Commission worked out and adopted ca 40 resolutions, making up the now binding law of the Union.

In 2005 XIX National Congress of Delegates adopted a new resolution on financing the operation of the Union.

The internal documents of the Union are available at the following address: www.solidarnosc.org.pl/statut.

3. Member acquisition and union trainings

The National Commission, in cooperation regional and sector structures, as well as with international trade unions reinforces the activities aimed at associating workers in the structures of the Union on an ongoing basis. It also monitors and examines the level of union membership in the regions and sectors, the situation of workers and changes in the job market. As a result of the Union’s efforts, annually a few thousand employees become the Union members. The conviction about the significance of such activities is also increasing.

3.1 Development of the Union

Meetings of regional and sector coordinators for development, trainings, meetings of regional and sector authorities, seminars for employees of the following departments: expert development and trainings on “cooperation for development” were organised, materials on the organised events were published in “Tygodnik Solidarność” and on the website of the National Commission.

3.1.1 Cooperation with regions and sectors

The Department for the Union’s Development of the National Commission ran trainings for organisers from all over Poland and for activists (in cooperation with Training Department of the National Commission). The activities

– the ones in progress and the planned ones – on development of the Union, taking into consideration the trends of international union organisations were systematically prepared and presented to the authorities of the regions and sectors.

Activities to support the already existing organisations in their development were systematically performed together with regional and sector structures. Assistance was also provided to employees of the enterprises in which the Union did not exist. In this term of office national organisers cooperated with the boards of all the regions and sectors secretariats, supporting the organisers and preparing to organiser's work the apprentices employed in those regions and sectors and were directly involved in associating workers in the regions.

It all enabled self-association of workers and support to the already existing organisations in such private companies as, *inter alia*, hypermarket chains: Real, Carrefour, Tesco, shop chain "Biedronka", wholesale chain Makro Cash and Carry, hotels: Marriott, Radisson SAS, food processing sectors producers - Masterfoods, Constar and Frito Lay and security sector companies: Securitas, Group 4 Securicor, Falck Medycyna, Impel (security and cleaning), Aspen and Roltrans, Polkomtel, Netia, Flextronics, Opel, Volkswagen, Avon, Pekao S.A. Swedwood and many other companies.

Joint activities of Transport Secretariat and the National Commission contributed considerably to establishing Inter-Enterprise Union Organisation of Professional Drivers of NSZZ "Solidarność", and the employees of Constar company, belonging to American Smitfield corporation organised themselves in cooperation with Food Workers' Secretariat.

Union Development Department of the National Commission continues coordination of the projects of employee organizing themselves in over-regional companies. To deepen the cooperation and to make it more systematic, the regions were divided into groups. Each group was assigned a person from among the employees of the Office of Organisation and Development of the National Commission responsible for supporting activities connected with development of the Union in individual regions, in selected companies, and coordinating exchange of information between the Boards of the Regions and Union Development Department of the National Commission on implementation of development plans.

The persons responsible for the following regions:

- Gdański, Warmińsko-Mazurski, Elbląski, Słupski, Toruńsko-Włocławski, Bydgoski – person responsible - Andrzej Rakiel.
- Wielkopolska, Wielkopolska Południowa, Koszaliński Pobrzeże, Pomorze Zachodnie, Koniński – person responsible - Jan Plata-Przechlewski,
- Mazowsze, Podlaski, Ziemia Radomska, Płocki – Michał Ossowski,
- Środkowo-Wschodni, Rzeszowski, Świętokrzyski, Ziemia Przemyska, Podkarpacie, Małopolska, Ziemia Sandomierska, Chełmski – person responsible - Janusz Zabiega,
- Śląsko-Dąbrowski, Częstochowski, Piotrkowski, Ziemia Łódzka, Podbeskidzie – person responsible - Mariusz Skrzypek,
- Dolny Śląsk, Śląsk Opolski, Zagłębie Miedziowe, Jeleniogórski, Zielonogórski, Gorzów Wielkopolski – person responsible- Tomasz Laskowski.

From January to mid March 2006 eight seminars on "Strategy of the Union's Development" were held for 7 groups of the boards of the regions, 1 for sector secretariats. They were attended by 126 persons, including presidents of the regions and secretariats and the persons responsible for development of the Union in those structures. The seminars conformed that

"Trade Union is an organisation of employees who organise themselves in the power that can cause improvement of working and living conditions".

Regardless of advancement degree of the works for development in individual regions and sectors, the seminars participants also worked out development plans in those structures, (they all assume activities for increasing the Union's membership), and worked out a strategy for development of a given structure and specified the activities that should be taken up to implement any given task.

3.1.2 Cooperation with international trade unions

CFDT (French Democratic Confederation of Labour)

Under the agreement on cooperation and exchange of experience between the French Union CFDT and NSZZ "Solidarność", signed on 15.10.2004, CFDT made available to "Solidarność" the developed and tested methods and tools for intensification of the Union's development.

UNI Property Services (Union Network International – employees of service private sector)

In cooperation (also financial ones) with UNI Property Services we are implementing a project of organising employees of security sector in Warsaw market, due to the biggest concentration of such companies and employees in this sector, i.e. 25 000 persons in that region. Preparations started in the second half of 2005. They consisted, *inter alia*, in collecting the necessary information in the companies (the so called on the site inventory about the companies themselves, the buildings and institutions they provide security services to, and the number of security

employees (ca 300 sites were visited for that purpose). 8 strategic for this area companies, constituting ca 40% of the local market were selected. Since January 2006 the team consisting of 6 union organisers, an analyst, a person responsible for communication and a lawyer, has been implementing the adopted plan under supervision of Union Development Department of the National Commission and a representative of UNI Property Services.

3.1.3 Monitoring and trends watch.

Despite the fact there every year we manage to attract new members to the Union, annually 4% (ca 28 000 persons) stop being our members for objective reasons. Today only 25% of the employees work in enterprises where there is NSZZ "Solidarność", and 75% of the employees work in the companies where there are no trade unions at all. From among 14.5 million people active in the job market only 634 061 are members of our Union.

The data of National Office of Statistics on employment in various sectors indicate that services sector employs the biggest number of people, including the dynamically developing retail – 120 thousand employees, security services – 250 thousand employees and cleaning - 400 thousand employees.

There is a noticeable difference in the situation of the employees in the companies with active trade unions and the ones in which employees are not associated into any trade union – surely worse in the latter.

3.2 The Union trainings

XV National Congress of Delegates and the Team for Union Education of the National Commission considered education on the following to be a priority:

- development of the Union,
- preparing the Union members to participation in social dialogue,
- European Union information.

Implementing these tasks, the Training Department of the National Commission prepared and delivered 269 training for 4078 participants.

Using the Training Department of the National Commission as a coordinator, and assistance in delivering training in the regions after preparing the regional training staff are the most appropriate directions of training work. The practice confirmed that selecting regional groups for training purposes allows for better use of trainers and enables planning and delivery of a big number of training courses.

3.2.1 Teaching activity concerning:

- development of the Union

The trainings preparing the Union's activists and members to active and competent activities in acquiring new members in the existing enterprises and in organising employees in newly established enterprises were of priority significance. Great emphasis was put on training of the persons directly involved in organising employees in the enterprises where there are no trade unions, that is union organisers and apprentice employees in the National Commission and in the regions. Almost 150 one or several day training courses on development of the Union were delivered. The courses were attended by over 2000 activists, members and employees of the Union. To increase the awareness of the significance of association among the employees employed by the Union, in June 2005 there was a joint meeting of representatives of the National Commission and of the regions from Expert Departments, Development Departments and Training Departments (53 persons). Seminars for the regions and sectors on building the strategy of the Union in those structures were co-organised together with Union Development Department.

- Preparing for participation in social dialogue

20 training courses on social dialogue for ca 260 persons connected with voivodeship social dialogue commissions were delivered under a PHARE project.

30 training courses on European Workers Councils, collective bargain contracts, negotiations, economy, safety and hygiene at work, and building anti-mobbing policy (in cooperation with Pomorski Instytut Demokratyczny [Pomeranian Democratic Institute]) were attended by 578 persons. Training programmes and materials were developed for all these training courses.

To prepare the Union members to participation in social dialogue there were delivered 3 rounds of ten-module training courses on management, communication, negotiations, finance strategy and, most importantly – on development of the Union – for the Union leaders. The courses were attended by over 40 activists of national and regional level.

In April 2006 there was a conference on informing employees and consultations with employees for regional and sector experts and trainers. The conference was attended by 33 representatives of the regions and sectors.

- European Union information

A programme of trainings and training materials on European Union information was prepared. The training staff from 21 regions was trained, and 40 regional instructors delivered 66 training courses for 1200 persons. Training of such a big group within 3 months was possible thanks to the involvement of the regions.

3.2.2 Preparing the training staff of the Union

In this term of office the Training Department of the National Commission organised the following: methodology training for the persons wanting to improve their skills on Essential Training, 2 rounds of two-level training for candidates for future trainers (attended by 40 persons), 3 trainer workshops for the existing training staff (attended by 64 trainers).

During the national union trainer workshops held in October 2005 the participants analysed the training activities so far, with special emphasis on delivery of Essential Training in individual regions, and worked out a plan of further activities in this respect.

Pursuant to the guidelines of the National Commission's team for union education, in July 2005 the Training Department launched a national database of trainers in regional and sector structures, of training programmes and of people trained.

3.2.3 International cooperation on training

As a continuation of the long-term cooperation with CFDT, this time on union training evaluation and union trainer evaluation, a methodology of union training and trainer evaluation was developed. The experience of SEIU – Service Employment International Union - USA, LO-Denmark, TUC – Great Britain was also used.

In training organisation we cooperated with ICFTU and ETUI – REHS Education - European Trade Union College (till May 2005 known as ETUCO). And the Union trainers participated in methodology workshops preparing to the work of Eurotrainer.

In cooperation with SDA (Social Development Agency – ETCU) there were held three seminars on employee representation at the level of supervisory boards and on the opportunities provided by European enterprise.

Thanks to the international cooperation the Union members' knowledge broadens by the experience of the union members from other countries. The cooperation also strengthens trade union unity in Europe and in the world.

3.2.4 Conclusions for the future

In its resolution No 73/2001 the National Commission adopted as its priority organising employees in NSZZ “Solidarność”, treating it as an integral and essential function of the Union. Supporting the activities to develop the Union should be the main task of Training Departments in all structures of the Union. Developing a situation in which all the employees are aware that association in the Union is a way of changing their life situation is the mission of the Union. The number of the Union members for making the employees aware of that will be the measure indicating the degree of the task's implementation.

Despite the fact the Essential Trainings are the most difficult ones to deliver, they and Leader Training should be intensified. Essential Trainings are hard to run as they require on the part of the instructor not only a thorough knowledge of the essence of the Union but also a number of interpersonal skills, without which the trainer is not able to deliver such trainings, or forward the idea of association as the only chance for the Union.

Training Department of the National Commission will continue and intensify cooperation with all the regional and sectoral structures to identify training needs and the role of the Department in this respect.

To provide for fuller implementation of training policy we must intensify cooperation among individual departments, with training and expert departments in particular, both with national, regional sectoral ones, in particular in terms of information as only full exchange of information provides a good chance of meeting the training expectations of the Union members.

4. Assets and finance of the Union

4.1 Membership fees

Membership fees were the main source of financing the activities of the National Commission, despite considerable part of non-fee funds (non-salary related funds came exclusively from good management of the Union's assets by the National Commission). The cooperation with regional and sectoral treasurers and accountants improved, which resulted in improved fairness and honesty in membership fees transfer, created opportunities for making better use of the Union's assets, and exchange of information on financial-treasury regulations. Longer period of membership fee transfer, leading to slightly lesser profit for the national level of the Union is still a problem, however.

4.2 Earmarked funds

The Union has earmarked funds, i.e.:

- The fund for supporting the statutory tasks of the Union (Resolutions of the National Commission No 40/2001, No 41/2001, No 45/2001),
- National fund of assistance to the members of NSZZ “Solidarność” persecuted for union activities (Resolutions of the National Commission No 102/02, No 115/02),
- Fund of assistance to the persons persecuted during the martial law period and to their families (the fund is handled by Solidarity Promotion Foundation, pursuant to the Resolution of the National Commission No 114/02),
- National Strike Fund (Resolution No 1 of XIV National Congress of Delegates).

The fund for supporting the statutory tasks of the Union:

The National Commission's Team for the Fund met 30 times to consider applications and financial reports submitted by the boards of the regions and secretariat of the sectors.

The fund of assistance to the persons persecuted during the martial law period and to their families:

The Fund started its operation in 2003. By May 2006 the Board of the Foundation had considered 195 assistance applications. The total of 235 640 PLN was spent on various forms of assistance (ad hoc and social benefits, scholarships)

National Strike Fund

During this term of office, the National Council of the Strike Fund held 34 meetings, adopting 78 resolutions. It considered applications for co-financing protest actions run by the National Commission, Secretariats and Boards of the Regions. To the motion of the Fund, the National Commission returned the full amount, plus the interest due, of the money invested by the Fund in "Dekom" company. A standard application forms for reimbursement of the costs incurred according to the regulations of the Fund was introduced.

The funds operate pursuant to adopted regulations, based on the gains on selected funds. Detailed financial reports are presented annually to the National Commission.

5. Participation in legislative process

The reporting period saw a practice of shortening the period for expressing opinions on draft legislation, both national and the Community legislation, by government administration bodies and sending the Community legislation documents in foreign languages. Due to the numerous interventions of the National Commission the situation has improved in this respect but the government side has not yet introduced an efficient system that would enable submitting to the social partners Polish translations of EU documents.

Since January 2006, pursuant to Resolution of the National Commission No 1/06, the process of expressing opinions of typically sectoral draft legislation is transferred to the secretariats, according to their competencies.

Draft legislation that the Union was interested in, amendments included, was considered and the Union's opinions were expressed on an ongoing basis. The Union was also involved in:

- works on amendments of Labour Code;
- preparing motions to the Constitutional Tribunal and appearing before the Tribunal;
- works in Labour Law and Collective Bargain Contracts Team, Public Services Team, Industrial Policy and Job Market Team, Budget and Remuneration Team of Tripartite Commission for Socio-Economic Issues;
- works in the Commission and Sub-Commission of the Sejm of the Republic of Poland on amendments to the Labour Code and other acts, participation in Public Finance Commission, Economy Commission, State Treasury Commission, etc.;
- works in the Commission for Collective Bargain Contracts hosted by Minister of Labour;
- works in the team hosted by Minister of Health on remuneration system in health protection sector;
- works in Public Services Team of Tripartite Commission for Socio-Economic Issues on the so called restructuring acts and changes in health protection sector;
- consultations, monitoring and lobbying of the works on implementation of the Directive employee involvement in European enterprise (the effect being adoption of favourable for the trade unions provisions in the new act – March 2005).

As a result of the adopted opinion and motion to the members of Public Finance Commission of the Sejm and the activities in Team of Tripartite Commission for Socio-Economic Issues on change of corporate income tax act in its part referring to tax exemptions on trade union income and membership fee the exemptions are still in force.

Despite the campaign among sector and regional structures and active involvement of their representatives and employees we have not managed to introduce the provisions proposed by the Union to the act on commercialisation and privatisation. We have managed, however, to eliminate unfavourable provisions referring to the supervision of Ministry of State Treasury.

For the purpose of ongoing consultations of legal problems with the structures of the Union, a website for all the Union's lawyers was launched in 2005. Forum of Union Lawyers was also established. The Forum held two meetings, during which lectures were given and current problems were discussed based on real cases, according to the current needs of the Union members and structures:

1. sources on internal union's law, consultations of local law with trade unions (1-2 December 2005),
2. the act on information and consultations with employees and social agreement (5-7 April 2006).

5.1 Complaints to ILO Trade Union Freedom Committee

During this term of office the National Commission lodged 6 complaints on non-observance of ILO international labour standards:

- a) violation of trade union freedom (Conventions No 87, 98)

- in 2003 – on dismissal of the members of newly established trade union organisation in Hetman company,
- in 2003 – on persecution of the management and members of the trade union in SIPMA S.A.,
- in 2004 – on stopping to deduct trade union membership fees and dismissal of trade union leaders on disciplinary grounds in Hydrobudowa S.A.,
- in 2006 – on dismissal of the leader of the newly established trade union organisation in UPC Polska,
- in 2006 – on dismissal of the trade union leader and collecting trade union membership data in illegal way in Frito Lay Polska.

b) other conventions

- in 2006 – on violation of Convention No 111 (equal employment opportunities) – sexual harassment in Frito Lay Polska. Additionally in this case on 13.04.2006 a complaint was lodged to OECD on behaviour of Frito-Lay Polska (PepsiCo) in connection with non-observance of OECD Guidelines for Multinational Enterprises

5.2 Complains to the Ombudsman

In 2004 the following motions were submitted to the Ombudsman:

- to examine compliance with the Constitution of the act introducing 19 % income tax for the persons with registered economic activity (previously submitted to the Constitutional Tribunal),
- to present to relevant bodies and institutions the assessment of the process of the so called self-employment and raising the issue in the annual information to the Sejm and Senate,
- motion to the Supreme Court for adopting a resolution aiming at clarification of the content of art. 22 § 1¹ of the Labour Code in connection with art. 11 of the Labour Code

The problem of self-employment has not, however, been mentioned by the Ombudsman in the annual information to the Sejm and Senate.

5.3 Motions to the Constitutional Tribunal

During this term of office motions on the following issues have been submitted to the Constitutional Tribunal:

1. amendment of the act Labour Code and change of some other acts (25.09.2002.), favourable decision of 24 February 2004.,
2. civil service act (25.09.2002), dismissing decision of 16 June 2003,
3. change of the act Teacher's Chart and change of some other acts w (29.09.2002 r.), dismissing decision of 18 January 2005,
4. the act on general insurance in National Health Fund (16.04.2003), decision of 25 February 2005 discontinuing the proceedings due to redundancy of decision making,
5. change of the act on payments of interest on the credits granted to medical doctors, dentists, nurses, midwives and medical technicians and on redemption of those credits (14.04.2003) and the act on payments of interest on the credits granted to medical doctors, dentists, nurses, midwives and medical technicians and on redemption of those credits (18.11.2003), dismissing decision of 17 October 2005,
6. minimum remuneration for work act (20.08.2003), dismissing decision of 10 January 2005,
7. old age and disability pensions from Social Security Fund (10.12.2003), favourable decision of 14 June 2004,
8. ordinance on the qualification required from teachers of artistic schools and centres of artistic education (4.10.2004) dismissing decision of 16 June 2005.

The Constitutional Tribunal also shared the complaints of the National Commission from the motion of 20 February 2002 on:

- the act on change of the act of State Treasury farming land management, the act on protection of employee claims in the case of employer insolvency, the act on employment and counteracting unemployment, the act prohibiting applying asbestos products, the act on Tripartite Commission for Socio-Economic Issues and voievodeship social dialogue commissions and the act on facilitating employment of school leavers (decision of 13 April 2005),

and dismissed the motion of 23 April 2002 on:

- the act on the change of the act on remuneration in the state budget financed sector and on change of some other acts (decision of 17 November 2003).

6. Protection of work environment and natural environment

6.1 Protection of work environment.

Every year the National Commission co-organised the central celebrations of the World's Day to Commemorate Occupational Accidents Victims and informed, on an ongoing basis, about the government's and international organisation's activities in the area of protection of man in work environment.

Work Environment Protection Department of the National Commission organised together with the State Labour Inspectorate seminars and trainings for regional and sector coordinators for safety and hygiene at work and for social labour inspectors. It also expressed its opinions on relevant legislation, participated in the work of the government's and inter-sectoral commissions. We disseminated the leaflets "REACH at Workplace" and "Health at Work. Eight Priority Areas of the Community Policy", translated into Polish in cooperation with ECTU.

In September 2004, together with TUTB we organised in Warsaw a seminar on the activities of the trade unions in the area of protection of man in work environment in the enlarged European Union. It was attended by 50 representatives of various trade unions from 25 EU countries and candidate countries, as well as representatives of NSZZ "Solidarność".

We continued cooperation with State Labour Inspectorate, Central Institute of Labour Protection, - State Research Institute, National Central Point of European Agency for Safety and Health at Work, Technical Office for Safety and Hygiene at Work in Brussels and European Agency for Safety and Health at Work in Bilbao. The representatives of NSZZ "Solidarność" have been working in the Labour Protection Council hosted by the Sejm of the Republic of Poland".

6.2 Protection of natural environment

The scope of the Union's activities was extended by issues of sustainable development, taking into consideration protection of natural environment and natural resources (pursuant to the Statute of NSZZ "Solidarność", par. 6, item 13).

The first stage of such activities focused on:

- establishing cooperation with our Union's structures and experts in this area,
- participation of the working group for REACH (registration, assessment and use permits of chemical products),
- participation in seminars and conferences on, in particular, renewable sources of energy, waste management, implementation of Kyoto Protocol (climate changes).

The representatives of NSZZ "Solidarność" participated in the works of Monitoring Committee for Monitoring of the Strategy of Using Cohesion Fund in environmental protection sector and of ETUC team for sustainable development.

7. Information and promotion.

7.1. Information

The Press Office of the National Commission monitored the nationwide press, radio and television programmes on an ongoing basis. Reports on monitoring nationwide and regional media were sent to the regions, sectors and to the Union's journalists every day.

The National Commission organised information campaign: before the referendum on Poland's joining the European Union, on the initiative of restoring pre-retirement benefits and paying due remuneration for work.

As a part of the November protests against anti-social policy of the Government and the so called Hausner's plan, in 2003 the Union prepared and published leaflets, posters and 4 issues of a newspaper (in leaflet and poster form) entitled "Days of Protest", 300 thousand copies each.

The National Commission announced the year 2004 the year of rev. Jerzy Popiełuszko. A relevant photography exhibition on the life of the patron of "Solidarność", a special catalogue and a poster were prepared.

On the occasions of subsequent anniversaries of "the never properly accounted for and punished crime of December 1970" and the anniversaries of August 1980 and establishment of NSZZ "Solidarność", in particular its 25th anniversary in 2005, we prepared posters, telephone cards, stamps and other materials. In 2005 the National Commission organised a competition for a graphic symbol and a medal on the occasion of 25th anniversary of establishing NSZZ "Solidarność" and was an intermediary in distribution of occasional coins issued by the State Mint. An exhibition of satirical drawings of Zbigniew Jujka was organised in the office of the National Commission. Jujka's book with his works was also presented there.

During this term of office the office of the spokesman prepared over ten press conferences and briefings. The media were sent a few hundred press releases after meetings of the Presidium and the National Commission, information connected with various events in the regions, sectors and the National Commission. And most importantly for the Union, the events of the four past years were documented: photography and digital camera films.

Information Department of the National Commission also ran the Union's website – www.solidarnosc.org.pl, with daily union information service, taking into consideration the most important news about the events from all over the country (in cooperation with the Union's journalists). At the main home page of the Union there is also a special sub-page referring to 25th anniversary of establishing NSZZ "Solidarność". There was also information on the problem of self-employment, employee protests (PKS Koźienice, Wrocławska Jedyka, cable television UPC) and about the agreements signed with employees (Tesco, Carrefour, Makro Cash&Carry). Radio and television programmes with participation of representatives of the National Commission were also published.

Information Department was the editor of Information Bulletin of the National Commission, containing: materials from the meetings of the National Commission and Presidium of the National Commission, information on social policy, fighting unemployment, union training courses, European integration, the Union's development, amendment of Labour Code, works of Tripartite Commission and protest actions ran by the Union. In May 2003 the first issue of the Union Member's Notebook was published. It contains, *inter alia*, information on labour law, trade union act, social benefits fund, employment, etc. Over 30 issues of the Union Member's Notebook have been published so far.

The Foreign Department of the National Commission replaced sending a hard copy information bulletin in English with an English version of the National Commission's website. The website contains also information on our international union partners. The list of the countries information from which is published is being extended.

Archives of the National Commission

Archives of the National Commission have the function of current and historical archives of the Union. They also hold archival materials from the period of 1970 – 1989. Magazines (ca. 4500 archival units) and books are archived systematically. Also telex messages from 1981 have become archival materials, which constitute a non-researched but valuable, as it seems, historical source. We established cooperation with the Archives of Polish Radio, which records our materials on electronic media. 100 metres of current files from the departments of the National Commission and ca. 20 thousand photographs from "Tygodnik Solidarność" ["Solidarność Weekly"] have also been archived during this term of office.

250 persons and institutions have used the archived materials for the past four years. We maintain permanent cooperation with Institute of National Remembrance, Karta Centre in Warsaw and other institutions dealing with recent history. The materials are made available to students, researchers, publishing houses, museums, television, Polish Mail, State Mint, and many other institutions and local structures of the Union, and sent abroad: to Tanzania, Mexico, Argentina, USA, Canada.

The archives are also involved in collection of archival materials, intensified in the year of 25th anniversary of establishing NSZZ "Solidarność". A lot of materials were collected thanks to the involvement of the media, e.g. a collection of the Federation of Fighting Youth, Tri-City Branch is a collection of not only documents but also of printing facilities (mimeograph, typewriters, matrixes, plates), a lot of exhibits from internment period: rosaries, prison decorations. The archives acquired numerous photographs, stamps, posters, independent publications, recordings – the particularly valuable ones were donated by the Speaker of the Senate of the Republic of Poland RP Bogdan Borusewicz. Over 200 persons donated their "Solidarność" related materials to the Archives over the past four years. All the donations are catalogued and prepared for the potential users as soon as possible.

To celebrate the 25th anniversary of establishing the Union, the National Commission prepared an exhibition "Solidarność – Power of Unity" in Artus Hall in Gdańsk. The exhibition consisted mainly of photographs and archival materials (documents, leaflets, stamps) and museum exhibits coming from the Archives of the National Commission. The exhibition was visited by over 10 thousand people. It had a lot of very favourable reviews.

All the activities of the Archives of the National Commission: collection, making the materials available to the public, exhibitions serve the purpose of propagating the history and achievements of NSZZ "Solidarność".

7.2 Important celebrations and events with participation of the Union

To the initiative of the National Commission, in November 2003, there was IV Pilgrimage of NSZZ "Solidarność" to Rome. Extending thanks to the Holy Father for 25 years of His Pontificate was the main objective of the pilgrimage. The three Leaders of the Union, i.e. Lech Wałęsa, Marian Krzaklewski and Janusz Śniadek presented the Holy Father with a sculpture of Crowned Christ. The meeting with the Holy Father was attended by ca 2.5 Union members, their families and supporters of NSZZ "Solidarność".

In its resolution No 1/04 of 13 January 2004 the National Commission announced 2004 the year of rev. Jerzy Popiełuszko. The celebrations began on 2 April 2004, and culminated with the celebrations on the 20th anniversary of his martyr's death on 19 October in Warsaw.

A big group of the Union members and its national authorities participated in the funeral of the Holy Father John Paul II in the Vatican on 8 April 2005. On the first anniversary of the Holy Father's death many Union members donated blood as a part Voluntary Blood Donation Days of NSZZ "Solidarność", and ca. 1500 members of the Union attended the celebrations that took place in St. Peter's square in Rome.

Among the three hundred thousand pilgrims enthusiastically greeting the Pope Benedict XVI in Jasna Góra in May 2006 there were members of the National Commission and a lot of Union members with 150 colour parties.

7.3 25th anniversary of establishing NSZZ "Solidarność"

The celebrations on the occasion 25th anniversary of establishing NSZZ "Solidarność" – the anniversary celebrated not only in Poland but also in other countries – were organised by the Union but also by various social and political organisations, local authorities and state administration bodies. The main celebrations took place in Lublin, Gdańsk, Szczecin and Jastrzębie.

A special solemn National Congress of Delegates in the historic Olivia Hall (30.08.200) and a Holy Mass at Solidarność square (31.08.2005) celebrated by papal legate cardinal Stanisław Dziwisz were the culmination of the celebrations, participated by ca. 7 thousand union members and citizens of Tri-City.

Anniversary celebrations were accompanied by exhibitions, concerts and publications. The long list of the anniversary events includes the events, significant ones, organised by the National Commission, of which the following deserve mentioning:

- concert “Honour is yours, Solidarity People ” given during the second half of the National Congress of Delegates, broadcast live by TVP, and then distributed in almost 20 thousand DVD copies;
- album “Road to Freedom – Solidarność 1980 – 2005”, published by Volumen Publishing House, ca 10 thousand copies;
- a CD with a documentary film “Polish Roads to Independence”, 290 000 copies, an addition to “Rzeczpospolita” newspaper and educational materials distributed in schools;
- oratory “Świętokrzyska Golgotha” performed on 07.10.2005 in St. Mary’s Basilica in Gdańsk and a concert “Lead us, Hope” given on 17.09.2005 in Jasnogórskie Błonie during the Pilgrimage of Working People – “Solidarność” tribute to John Paul II;
- opening of St. Roch’s Bastion and inauguration there of “National Bid of >Solidarność< in the Votive Offerings of the Pilgrims to Jasna Góra” (17-18.09.2005) during the Pilgrimage of Working People in Jasna Góra
- conference “Civic Society – New Name of Solidarity” organised on 7-8.10.2005 as a part of V Papal Day in Gdańsk.,
- solemn transfer, in the presence of union leaders from all over the world, copies of the boards with 21 postulates from the strike in 1980 to the office of ICFTU and ETUC in Brussels, June 2005,
- exhibition “Solidarity – Power of Unity” in Artus Hall in Gdańsk.

Also:

- to commemorate “the historical bid for Freedom of Polish people” the Sejm of the Republic of Poland established 31 August the Day of Solidarity and Freedom,
- the exhibition “Roads to Freedom” was opened in the office of CFDT in October 2004, with participation of representatives of the National Commission,
- to the motions of regional structures, Presidium of the National Commission issued over 100 decisions on using the graphic symbol of NSZZ “Solidarność” when roundabouts, streets, squares, parks, etc. were named after “Solidarność”,
- occasional coins and medals were made, occasional stamps, postal cards, telephone cards, etc. with the logo of the Union and the logo the 25th anniversary were published,
- The City Council Administration of the City of Gdańsk, in cooperation with the National Commission released a documentary-promotional film entitled “It All Began in Gdańsk”, which was a addition to “Rzeczpospolita” and “Gazeta Wyborcza” newspapers.

Apart from the celebrations organised or co-organised by the National Commission, one should also mention Jean Michela Jarre’s concert given on the premises of Gdańsk Shipyard, attended by 100 thousand people, broadcast by TVP; exhibitions organised by the Solidarity Centre Foundation in over ten countries and the international conference “From Solidarity to Freedom”, organised by Lech Wałęsy Institute, with participants from Poland and abroad, including over ten leaders of countries, i.e. presidents, prime ministers, secretaries of state and others.

7.4 Programme Council of “Tygodnik Solidarność” [weekly magazine]

The Programme Council, appointed by the resolution of the National Commission No 171/03, started its voluntary activity as a group of 16 members in 2004. It met 6 times during its term of office. It worked on how to make Tygodnik present the reality in an objective and fair way, on how to make it better, more interesting, and desired informational – social – union magazine read not only by the Union. members.

The members of the Council read and analysed the issues of Tygodnik on an ongoing basis and forwarded their opinions and remarks on the content and graphic aspects of the magazine to the chief editor. They often proposed new or interesting topics (many of which were later included into the magazine, e.g. development of the Union, social teaching of the Church, cooperation with National Institute of Remembrance, panel discussions with participation of experts and other union central offices’ representatives, reviews of book books, films, etc.), as well as technical changes to improve the quality of the magazine. The cooperation with the chief editor of the magazine was good and ongoing, in between the meetings of the Council as well.

II. PROTECTION OF EMPLOYEE RIGHTS AND INTERESTS, SOCIAL DIALOGUE, SOCIAL PROTECTION

1. Protection of employee rights

The National Commission made a few analyses, which were used in talks and negotiations at various levels, *inter alia*: “Analysis of work time and analysis of salaries in European countries”, “Social and economic effects of replacing job contract with non-Labour Code forms of employment”, “Unemployment insurance”, “A year in the European Union – perspectives for Poland”, “Costs and benefits resulting from employing foreigners in Poland for the job market and economy”, analysis of questionnaires on object and subject scope of social agreement, preparing periodically for ETUC summary reports on conditions and strategy of salary negotiations in Poland.

We systematically monitored fulfilment of social obligations in privatisation processes, by providing advisory assistance in negotiating social pacts in enterprises undergoing privatisation and restructuring processes. On a number of occasions we put motions to recognise social pacts as the source of labour law and demanded that information on performance of agreements with employees in private entities (at the forum of Tripartite Commission, in letters directly to Minister of State Treasury, to investors, employers, during seminars and conferences with participation of other social partners). We are expecting the rationale of the favourable decision of the Supreme Court on that.

We postulated the necessity of lower burden to employees, simplification of tax system and its increased pro-family character, pro-development system of indirect taxes, pro-employment policy of the state, improvement of public finance system, carefully thought over housing policy, that is proper VAT rate in construction, friendly ways of financing housing investments, tax exemptions for statutory benefits, purchase cards from Enterprise Social Benefits Fund, increase and re-allocation of budget funds to the areas indicated by the structures of the Union. The Union also pointed out to the necessity of linking work efficiency increase with salaries.

1.1 Actions and other activities to protect employee and trade union rights

Members and representatives of national authorities of the Union took active part in protests to protect employee and trade union rights.

The protests had the form of pickets or demonstrations and were organised, *inter alia*, by:

- National Secretariats of: Health Protection, Mining and Power Industry, Chemical Industry, Metallurgy Workers, Telecommunications,
- National Sections of: Ship Industry, Telecommunications Workers, Polish Mail Employees, Railway Workers (stopping traffic included),
- the regions: Gdańsk, Bydgoski, Pomorza Zachodniego, Mazowsze, Koszaliński, Częstochowski, Warmińsko-Mazurski, Środkowoschodni, Dolny Śląsk, Podbeskidzie, Śląsko-Dąbrowski, Rzeszowski, Łódzki, Ziemia Sandomierska, Małopolska, Przemyski, Radomski, Wielkopolska Południowa,
- the National Commission to defend: Labour Code - resolution of the National Commission No 95/02, dignity of working people - resolution of the National Commission 152/03 (in front of the Sejm, July 2003, in front of the Chancellery of Prime Minister September 2003, Protest Days 7-26.11.2003, Wagon factory), employee and trade union rights - resolution of the National Commission No 12/04 (PKS Koźienice, “Jedynka” Wroclawska, UPC Cable TV) and resolution of the National Commission 5/05, employee rights (Frito Lay January 2006) and related to exploitation of employees and social dumping in EU (demonstration in Brussels, March 2005 and in Strasburg, February 2006 r.) and other.

The National Commission substantially supported many protests.

The citizen legislative initiative, as a part of which the Union collected 650 thousand signatures under the bill on the change of the act on employment and counteracting unemployment counts among the most important countrywide actions organised by NSZZ “Solidarność” (resolution of the National Commission 136/02) during the 2002 – 2006 term of office. The initiative’s objective was to restore pre-retirement benefits, liquidated in the autumn of 2001. The problem has not been solved yet and will be the subject of the social agreement that is being prepared.

1.2 Labour Code, trade union act, State Labour Inspectorate Act

During this term of office, despite the protests of NSZZ “Solidarność” and with acceptance of OPZZ [another trade union], the parliament made many unfavourable changes in the Labour Code act. It, *inter alia*, increased overtime limit, at the same time lowering overtime remuneration and lengthened settlement period.

The initiative of the ex-leader of OPZZ, aiming at limiting the powers of trade unions in the trade union act was the first of the sort in the world. The number of protected trade union activists decreased as an effect of that initiative. “Solidarność” was successful in its attempts at granting the same powers to enterprise organisations as the inter-enterprise enjoy. Now the activists do not have to work at the positions they were employed for regardless of the number of trade union members employed by the employers where such organisation exists.

Maintaining accountability of State Labour Inspectorate to the Sejm of the Republic of Poland must be considered a success. The President of the Republic of Poland Lech Kaczyński recognised the arguments of

“Solidarność” and gave up the plans of the Inspectorate being accountable to Minister of Labour. The bill of the change of State Labour Inspectorate on Act includes some postulates proposed by “Solidarność”, including the amendment changing legal qualification of non-paying salaries due, from an offence to a crime.

1.3 The act on information and consultations with employees

The government’s bill on information and consultations with employees was submitted for consultations in October 2004. The government side assured us that if the union’s side and the employers’ side presented jointly an agreed bill on implementation of Directive 2002/14/EC, then the government would withdraw its bill and the parliament would vote on that joint bill. Due to the lack of agreement between the trade union organisations that worked out a joint bill with employers’ organisations, the works on the bill had not been resumed by the end of IV term of office of the Sejm.

The new Sejm asked the social partners from Tripartite Commission to prepare a common position on the bill and to submit it to the newly appointed Extraordinary Commission.

The agreed upon after relevant consultations bill on information and consultations with employees was signed in the first days of January 2006 by three employers’ organisations (BCC, PKPP “Lewiatan” and the Union of Polish Crafts) and three trade union organisations (NSZZ “Solidarność”, Forum and OPZZ). In the Sejm the government of the Republic of Poland supported the bill worked out by social partners and on 7 April 2006 the Sejm adopted the act including a number of postulates of our Union.

1.4 Pathological self-employment.

The Union ran a campaign against Labour Code forms of employment by pathological self-employment. Relevant analytical-informational materials were prepared, relevant letters were sent to the Ombudsman, Minister of Finance, President of Social Security Office, etc. In the office of the Ombudsman there was a press conference, informational workshops, the report and the questionnaire for ETCU were presented.

Due to the activities of the National Commission a vivid press discussion, among representatives of the government side and social partners is now going on the effects on self-employment in financial and social area. The Ombudsman maintains cooperation with the Union to eliminate pathologies in self-employment.

1.5 Monitoring activities to protect employee rights

To implement resolution No 9 XVI of National Congress of Delegates relevant activities were taken up to create a national register of employers-debtors. A legal opinion in the legality of such a register was commissioned and a positive opinion from the Office of General Inspector for Personal Data was received.

The structures of the Union have not shown any interest in building such a register for the entire term of office. Observance of trade union rights was monitored through:

- establishing a union’s network for protection of trade union rights (Boards of Regions and Sector Secretariats appointed 13 coordinators),
- putting a link of the website of NSZZ “Solidarność” on trade union rights and their protection and updating the information published there,
- developing annual reports on violation of trade union rights in Poland based on the information submitted by the structures of the Union, commissioned by ICFTU (the report is published on the Union’s website),
- organising meetings with regional organisers, active informational policy during meetings, conferences, at Employee Forum, in the press, etc.

The National Commission prepares annually a report on violation of trade union rights in Poland for ICFTU.

1.6 European Works Councils

Since 1 May 2004 Poland has been formally obliged to comply with UE Directive No 94/45. To provide for making adequate use of its provisions, NSZZ “Solidarność”, still before Poland’s formal accession to EU, took up activities to promote, to provide expert support and to coordinate participation of the structures of the Union in European Works Councils.

The Union was involved in:

- developing for ETUC a report on the negotiations concerning European Works Councils in Polish branches of multinational enterprises,
- running a database of multinational enterprises operating in Poland,
- promoting among the Union’s structures the idea of participating in European Works Councils through trainings organised by sector structures, through press publications and through organising conferences on Polish experience with European Works Councils (June 2004), and preparing a brochure on European Works Councils, which was disseminated among the Union’s structures under a PHARE 2001 project,
- providing expert assistance in establishing representatives of the Union in the existing European Works Councils,
- providing advice in negotiations on creating new European Works Councils (*inter alia* in Veolia, SABMiller, Leipziger Stadtwerke, Celsa, Flextronics, Mittal Steel, Unicredit corporations).

- establishing a network of sector coordinators for European Works Councils (pursuant to the decision of Presidium of the national Commission No 77/04)
- taking up an initiative, in cooperation with Ebert Foundation, of developing a commentary to the Polish act on European Works Councils (planned publication - September 2006).

Now Polish employees are represented in over 100 councils, and 40% of the Polish representatives are members of NSZZ “Solidarność”.

1.7 Assistance to enterprise organisations and the Union members

In very difficult cases the National Commission involved itself in direct assistance to enterprise organisations, e.g. in the conflict with the employer in PKS Kozienice, cases of sexual harassment by managers in Frito Lay or formalising working conditions of film stuntmen. Assistance was also provided in restructuring or salary negotiations, *inter alia*, in telecommunications, brown coal mining, in “Orbis” S.A., etc.), advisory services were provided on privatisation of, *inter alia*, Hartwig, PKS Kozienice, Ruch S.A., Polmos Józefów.

To the initiative of the National Commission:

- the Economic Foundation published a trade union manual on commercial companies,
- a brochure on employee companies was published,
- a commentary to the act on information and consultations with employees was published,
- a commentary to the Polish act on European Works Councils was developed in cooperation with Ebert Foundation (planned publication - September 2006)

The experts of the National Commission also helped three national enterprise organisations (TESCO, Carrefour, Makro Cash&Carry) to negotiate agreements on cooperation, specifying favourable conditions on which NSZZ “Solidarność” organisations can handle trade union information activities, to acquire new members of the Union. Information on interpretation of the Statute, resolutions of the National Commission, elections statute, economy, etc. was provided almost every day.

2. Social dialogue

2.1 European social dialogue

To provide for proper use by the Union the mechanisms of European social dialogue, the National Commission through its Sectors-Consultation Department ran a big internal promotional campaign in the Union, co-participated in multinational research projects, prepared and made attempts at putting into practice national implementation mechanisms.

Under Phare 2000 project “Social dialogue” ca 120 sector structure leaders were trained, and during this term of office lectures on various subjects were given to many sector structures, *inter alia*, mechanisms and procedures of community dialogue (metallurgy, steel mill, pharmaceutical, distilling industry, aircraft industry, furniture industry, environmental protection sectors).

Implementation process of European agreement on telework was prepared and the process of negotiations with employers was coordinated (draft agreement was negotiated but the negotiations were suspended in 2005 due to obstruction by OPZZ, now their finalising is planned). Preparations to implementation of European agreement on prevention of stress at work are in progress.

The Union co-organised seminars and conferences and participated in projects on social dialogue, employee migration, restructuring on national and over-national, the Lisbon Strategy, services in internal market, general access services, sectoral privatisation.

Representatives of the Union presented the positions and achievements of NSZZ “Solidarność” on the forum of European committee of social dialogue during national and international conferences.

2.2 Collective negotiations, sectoral dialogue, disputes and restructuring

As a result of cooperation with the German Verdi trade union there was held a seminar for representatives of sectoral structures on the practice of monitoring collective bargain contracts in Germany, with participation of an expert from z Verdi. This term of office saw considerable development of negotiating collective bargain contracts of gmina [local] range, concluded for education administration staff (120 collective bargain contracts were registered). There was not, however, a significant progress in development of sectoral collective bargain contracts of national range. Only one collective bargain contract was registered – for employees of power industry support. The total of 18 annex protocols to the existing contracts were signed.

Now in the register of Ministry of Labour and Social Policy there are only 12 collective bargain contracts of sectoral character. Consultations with sectoral structures of the Union functioning in the privatised sectors are in progress as encouragement to taking up negotiation initiative.

Framework bilateral agreements with employers’ organisations were signed in light, chemical and metallurgy industry (under a PHARE 2000 project). Talks with European trade union federations on participation of representatives of NSZZ “Solidarność” in EU sectoral committees of social dialogue were initiated. Summary

reports on conditions and strategy of salary negotiations in Poland in subsequent years were periodically prepared for ETUC.

The National Commission also supported development of tripartite sectoral teams, of which there are 11 now. The postulates of state budget financed sectors were coordinated and presented by the team for public services of the Tripartite Commission (health care, Polish Mail).

Formal and substantial servicing of negotiations of sectoral negotiations with the government and disputes with the government based on the Agreement of 29 May 1992 was provided (6 such disputes were commenced, but after 2002, due to the fact that the government did not respect the provisions of the agreement, none of the disputes has been formally completed and settled).

Legal services were provided to newly established trade union organisations, with the aim of signing collective bargain contract and regulations in hypermarkets.

2.3 Tripartite dialogue

Tripartite Commission for Socio-Economic Issues

On 27 March 2006 Tripartite Commission adopted a resolution on social agreement “Economy – Labour – Family - Dialogue”, which is to cover the following areas:

- creating new jobs, employment policy and job market institutions,
- conditions of socio-economic development and development of entrepreneurship,
- social security,
- family policy,
- health care,
- dialogue, social partnership, and civil society.

In its resolution No 13/06 the National Commission decided to join the talks on drafting social agreement in Tripartite Commission for Socio-Economic Issues.

3. Employee salaries, social protection

3.1 Increase of salaries in real terms

The talks on salaries increase in the period of 2003-2006 in Tripartite Commission for Socio-Economic Issues were held under a pressure on reducing expenditure both by the government and employers. In the circumstances, despite the trade union’s side having developed common positions (NSZZ “Solidarność”, OPZZ, Forum TU) it was not possible to reach an agreement.

Enterprise sector

During the reporting period only once (for 2004) did we manage in Tripartite Commission for Socio-Economic Issues to agree on the maximum annual ratio of salary increase at employers’.

And in February 2005 the government presented in Tripartite Commission for Socio-Economic Issues a proposal on increasing the maximum annual ratio but the negotiations had not started as Polish Confederation of Private Employers “Lewiatan” did not agree, and was the only one to do so.

In the period of 2003-2006 increase of average monthly salary constituting employer’s costs, at the employers covered by the negotiation act was as follows:

2003 – ratio specified in the act: 3.0%.	implemented ratio: 3.3%.
2004 – ratio specified in the act: 3.2%.	implemented ratio: 5.1%.
2005 – ratio specified in the act: 4.5%.	implemented ratio: 3.9%.
2006 – ratio specified in the act: 3.5%.	

After four years of the Union’s efforts, in January 2004, the parliament changed the unfavourable for the employees amendment of 2 November 2002 in the act on negotiation system of shaping increase of average salaries at employers. The amendment was to have become effective as of 2004 and permitted concluding agreements on salaries only at the employers that have made profits in the previous fiscal year and indicated it in the relevant financial report.

State budget financed sector

In the period of 2003-2006 only once did we manage in Tripartite Commission for Socio-Economic Issues to agree annual average salary increase ratio in state budget financed sector. The agreement specified increase ratio in 2003 at the level of 4% with the planned inflation of 2.3% (real inflation was 0.8%). It also provided, from separate sources, salary increase for employees of schools of academic level (under tripartite regulation of salaries) and salary increase for teachers in schools and educational institutions (according to the Teacher’s Chart).

In the period of 2004-2006 no agreement was reached in Tripartite Commission, and the increase ratios specified in the budget act were, respectively:

- 2004 – 3% with planned inflation 2%
- 2005 – 3% with planned inflation 3%
- 2006 – 1.5% with planned inflation 1.5%

It means that the employees of state budget financed sector were proposed zero salary increase in real terms.

In the government proposal for 2007 “freezing” of gross salaries was proposed. At the same time a proposal was made to reduce disability and sickness insurance premiums, which would increase gross salaries. Since the proposals of legal solutions had not been presented to and discussed with the social partners in Tripartite Commission, the Union expressed a negative opinion about the proposals and sustained the proposals in the Position of the Trade Union Side in Tripartite Commission for Socio-Economic Issues (NSZZ “S”, OPZZ, Forum TU), saying that salary increase in state budget financed sector in 2007 should be not less than 4.5%.

Minimum remuneration for work

The act on minimum remuneration for work has been in force since 1 January 2003. According to the act minimum remuneration for work was to grow in the way not lower than the goods and services ratio projected for the given year.

The government proposals to be negotiated in Tripartite Commission for Socio-Economic Issues in the period of 2003-2005 were set at the minimum level specified in the act. The union side’s efforts to increase minimum remuneration for work were unsuccessful since neither the government nor the employers agreed to that. As a result, the proportion of minimum remuneration for work to average salary in national economy kept decreasing.

The necessity of increasing minimum remuneration for work raised by the union’s side in Tripartite Commission for Socio-Economic Issues was reflected in the MP’s bill of amending the act. The amendment was adopted in September 2005 and was based on the following assumptions:

- linking minimum remuneration for work with average monthly salary in national economy, the target proportion being 50%,
- annual valorisation of minimum remuneration for work according to the mechanism specified in the amendment to the act, i.e. linking minimum remuneration for work with price increase projected for the given year and increasing by 2/3 the ratio of projected real increase of GNP.

The thus calculated amount will be a starting proposal for negotiations on the amount of minimum remuneration for work in Tripartite Commission for Socio-Economic Issues.

3.2 Counteracting unemployment

In the reporting period the National Commission and Presidium of the National Commission made over 200 decisions concerning directly the job market, including counteracting unemployment. Based on effects of the work of Working Teams of the National Commission for counteracting unemployment and for economic policy we expressed critical opinions about, *inter alia*, Joint Assessment of the Government of the Republic of Poland and EU in terms of employment policy JAP 2001, Strategy for Social Policy 2002-2005, National Strategy for Social Integration 2004, Strategy for Social Policy 2007-2013, National Strategy Increase of Employment Increase and Development of Human Resources 2002-2006, Reference Framework Employment for Poland 2003, Socio-Economic Strategy, Entrepreneurship – Development and Labour 2002, National Action Plan 2005, National Action Plan for Employment 2006, National Development Plan 2004-2006, National Programme of Reforms 2005-2008, mainly due to their ineffectiveness in creating new jobs and protection mechanisms..

Representatives of NSZZ “Solidarność” also work in Central Employment Council. During the term of office it held 28 meetings and dealt with expressing opinions on annual essential directions of work of Ministry of Labour, proposal of Strategy for Employment and National Action Plans and the problems of job market, *inter alia*, national employment policy, resources allocated for active programmes of counteracting unemployment. The involvement of the Union contributed, *inter alia*, to increased expenditure from Labour Fund for active policy in the job market from 14.4% in 2004 to 29.0% in 2005, the expenditure per one unemployed increased from 428 PLN to 663 PLN. They also expressed opinions on effectiveness of functioning of public employment services, employment police, development of earmarked funds, such as Labour Fund, Fund of Guaranteed Employee Benefits, Industry Development Agency S.A. and Polish Agency for Development of Entrepreneurship. They also dealt with counteracting “grey zone”.

Polish-American Local Partnership Programme 2002-2004 ended in the reporting period. The programme resulted in establishing 16 voivodeship networks of local partnership, 56 clubs of friendly assistance “Work”, 3 teams of vocational adaptation, 22 workshops of local economy stimulating and in training 600 local partnership specialists, including over ten members of NSZZ “Solidarność”

3.3 Social security, protection of families against poverty

In March 2004 the Parliament of the Republic of Poland adopted a bill on social welfare taking into consideration the agreements from Tripartite Commission for Socio-Economic Issues (Resolution No 20 of Tripartite Commission for Socio-Economic Issues).

NSZZ “Solidarność” reminded the decision makers about a reform of social welfare system so that it effectively protected against poverty and supported low income families. As a result of the works in the team for budget remunerations and social benefits of Tripartite Commission for Socio-Economic Issues new criteria of granting financial assistance from social benefit system were developed (called the threshold of social intervention) based on the value of the basket of goods and services providing for satisfying the basic needs of existence. The

value of the basket is to be specified by the use of an expert's method and then adjusted based on the results of empirical research of expenditures of low income families.

The new criterion let the families of the income slightly higher than the minimum of existence to apply for assistance. The solution is better than the previously used criterion based on equivalency scale of family income, according to which families apply for assistance (4 persons or more) only if their income drops down below the minimum of existence.

The gradual increase of guarantee of temporary benefit amount was negotiated and agreed upon in Tripartite Commission for Socio-Economic Issues, and then provided for in the relevant act: in 2004 – 20% of the difference between actual income and threshold of social intervention for one-person household and not less than 15% of the difference between actual income of the family and family income criterion, in 2005 – 30% and 20% respectively, 2006 – 35% and 25% , respectively, since 2008 – 50% for both types of households.

Demanding specifying minimum level of temporary benefit amount, NSZZ “Solidarność” aimed at reversing the tendency of constant reduction of resources for that essential, so far still facultative form of assistance. The Union treats the amendment of the social welfare act as the first stage of setting the amount of these basic benefits – temporary benefits – at the level giving the feeling of safety to the persons in need of social assistance.

Currently in Tripartite Commission for Socio-Economic Issues talks are being held on income criteria and benefit amounts in the period of 2007-2009, included in the act on family benefits and in social welfare act.

A representative of NSZZ “Solidarność” as a representative of the trade union side in Tripartite Commission for Socio-Economic Issues participated in the work of the Task Team for Social Reintegration, appointed by the Prime Minister in April 2003. The Team developed National Strategy for Social Integration for Poland, which was adopted by the Council of Minister on 3.08.2004. It is a programme document based on which “National Action Plan for Social Integration for the period of 2004-2006” was developed and adopted by the Council of Ministers on 21.09.2004. The similarities between those two documents can be seen, *inter alia*, in adopting by “National Action Plan” the priorities formulated in National Strategy for Social Integration which should be achieved by 2010 and whose implementation will provide for better social integration in Poland and will reduce marginalisation and social exclusion. “National Action Plan” is to translate into operational level the objectives included in National Strategy for Social Integration, such as on:

- educational, social and health related activities preventing social exclusion and supporting equal opportunities for children and young people;
- extension of social security system and counteracting poverty and social exclusion;
- activation and integration of groups threatened with social exclusion;
- development of social services, development of institutional services and their coordination.

Works on “National Action Plan for Social Integration for the period of 2006-2008” with participation of social partners (including NSZZ “Solidarność”) started in March 2006.

3.4 Revised European Social Charter

Poland signed European Social Charter when joining the Council of Europe in 1991, thus declaring its will and possibility of ratifying the Charter in the nearest future.

Preparatory works commenced in Ministry of Labour and Social Policy soon after Poland had become member of the Council of Europe. They resulted in ratifying by Poland European Social Charter in June 1999. Unfortunately, in the ratification act Poland did not commit itself to observance of a few articles (Art. 4 item 1, Art. 10 item 3 and 4, Art. 13 item 1), which the Union was concerned so much about. Presidium of NSZZ “Solidarność” requested Minister of Social Policy to ratify the articles of European Social Charter mentioned above and to start working on ratification of Revised European Social Charter, which became effective in 1999 and is gradually replacing the Charter from 1961. In July 2004 Minister of Social Policy promised us that the government would make a decision on starting working on Revised European Social Charter on completion of the procedure of control of observing by Poland the provisions of European Social Charter in 2005. We were assured during the talks that representatives of organisations of social partners would participate in analytical works and decision making process. In September 2005 a problem team for Revised European Social Charter was appointed in Tripartite Commission for Socio-Economic Issues. The tasks of the team include:

- working out proposals on the planned ratification of Revised European Social Charter,
- analysis of compliance of Polish legislation with the provisions of Revised European Social Charter, in particular for its social and economic effects,
- analysis and developing a position on Additional Protocol to European Social Charter, establishing Collective Complaints System,
- review and assessment of implementation of the commitments resulting from European Social Charter,
- monitoring of the commitments made.

The first meeting of the Team took place on 21 June 2006. The meeting discussed the time schedule and mode of working on ratification of Revised European Social Charter and cooperation with other teams of Tripartite

Commission on social agreement “Economy – Labour – Family – Dialogue” in the areas connected with the Revised European Social Charter.

3.4 Social insurance

Agreement on the following issues was reached in the Team for Social Insurance in Tripartite Commission for Socio-Economic Issues during works on the bill on change of the act on old age and disability pensions from Social Insurance Fund and the act on social insurance system:

- withdrawal of the proposal of liquidating separate insurance funds,
- possibilities of issuing decision for the period longer than 5 years if relevant medical expertise indicates that there is not a chance of restoring ability to work before lapse of that period,
- granting, by the virtue of the law, of an old age pension replacing disability pension, maintaining the rights to use social benefits due of occupational disability and entitlement to care benefits,
- financing old age pensions granted by the virtue of the law to the disability pensioners that do not have insurance history (it will not be a burden to old age pension fund),
- the principle of reducing disability pension due to total occupational disability for the months in which the disability pensioner made income higher than 30% of average salary (it will not apply to the disability pensioners employed in Protected Labour Enterprises and Occupational Activation Enterprises); the social side did not agree to reducing disability pension due to total occupational disability also at the employers in the open job market.

The Sejm Social Policy Commission shared the position of the social partners and did not agree to reducing disability pensions.

3.5 Entitlement to lower retiring age of persons employed in special conditions or in special character (the so called bridge old age pensions).

NSZZ “Solidarność” was very critical about the bill on bridge old age pensions and compensations presented by the coalition of Democratic Leftist Alliance – Work Union parties in November 2004 due to:

- non-observance of the provisions of the agreements of 9 and 24 December 1998, which provided that the provisions of the act will be developed in negotiations,
- exceeding the scope of the regulations resulting from violation of art. 24 of the act on old age and disability pensions from Social Insurance Fund – drastic limitation of the subject scope of the people entitled to bridge old age pensions and introducing the notion of compensation in an unjustified way,
- adoption of inadequate medical assumptions and aspects for developing definitions of work in special conditions or in special character, this having an impact on specifying the list of types of work,
- adoption of inadequate ways of financing bridge old age pensions.

The Union demanded that the government should withdraw the bill mentioned above and start a to the point dialogue with the union’s side. However, in May 2005 the government presented the bill which did not reflect any of the negative remarks of NSZZ “Solidarność”. The government’s bill was not accepted by the social side (trade unions or employers). The most important objections concerned the list of the jobs the medical experts considered to be jobs in special conditions or in special character. In June 2005 the Council of Ministers made a decision on not sending the government bill to the parliament. The government proposed social partners a substantial discussion and establishing a new commission of occupational medicine experts.

Having studied “The report on performing the tasks by the team of occupational medicine experts on verification of the list of jobs in special conditions and the list of jobs in special character”, presented in April 2006 by the Commission, the Union accepted the results of the works in the following areas:

- definition of jobs in special conditions, along with specification of the jobs considered to be jobs in such conditions (specification of the factors characterising special conditions),
- a proposal saying that it should be the commissions that will qualify jobs as jobs in special conditions, the commissions consisting of representatives of occupational medicine services, of Sanitary Inspection, State Labour Inspectorate and representatives of the employer and the employees from the enterprise from which the motion is being considered,
- specifying the mode of appeal from the decisions of the commission,
- definition of jobs in special character, along with specification of which jobs which match the adopted definition of jobs in special character.

These topics should constitute the basis for further works on bridge old age pensions act.

3.6 Activities to provide equal opportunities

3.6.1 Problems of the disabled

The Union monitored the activities of the government concerning support to the disabled on an ongoing basis. NSZZ “Solidarność” protested against:

- Another amendment (2003) of the act of occupational and social rehabilitation and employment of the disabled introducing a condition that supported employment would refer only to the disabled that have not

reached retiring age. The Union considered it be discriminating due to age. Unfortunately, the provisions referring to limiting the possibilities of subsidising remuneration till retiring age became effective as of 1 January 2004,

- Successive reduction in the state budgets for 2005 and 2006, against previous years, subsidies for employment of the disabled,
- Proposals referring to the system of employment of the disabled included in "Programme for public expenditure ordering and reduction", because the changes were to serve the purpose of budget savings under the cover of improving the system of supporting employment of the disabled. As a result of a strictly negative position of social partners, on 4 May 2005 the Sejm Extraordinary Commission for considering the bills connected with the government "Programme for public expenditure ordering and reduction" rejected in the first reading the government bill on supporting employment and occupational and social rehabilitation of the disabled.
- Introducing into another fast amendment of the act on employment and occupational and social rehabilitation of the disabled system changes without broad consultations on the effects with social partners in Tripartite Commission for Socio-Economic Issues.

The experts of the National Commission actively participated in the works on the government bill on old age and disability pensions from Social Insurance Fund and the act on social insurance, which provided, *inter alia*, that the pension of a person who receives a total occupational disability pension and works will be reduced to the amount of partial occupational disability pension, with one exception of persons working in Protected Labour Enterprises and Occupational Activation Enterprises, who would receive full amount pensions. After the Union's intervention the provision on pension reduction was deleted from the bill.

In connection with the ongoing debate on the future system of supporting employment of the disabled, the National Commission submitted to the government's proxy for the disabled a demand of basing the system on occupational rehabilitation and not occupational activation, which was the government's aim.

3.6.2 Equal opportunities for women

In the period of 2003 - 2004 the National Commission (in cooperation with LO – Sweden) carried out activities to improve situation of women in job market and at workplace, and promoting them in the Union through, *inter alia*:

- trainings on provisions on counteracting discrimination at workplace in connection with the new provisions of Labour Code,
- meetings of women delegates for the National Congress of Delegates, coordinators for woman's affairs and representatives of National Women's Section, where they discussed, *inter alia*, the process and effects of ratification of ILO Convention No 183 on maternity protection, and informed about the forms of promotion of women in ICFTU and ETUC,
- series of training courses testing the manual "Negotiation strategies and techniques – equal opportunities for women and men" developed under ILO/ICFTU project,
- developing a report on the situation of women in Poland (2003).

NSZZ "Solidarność" actively participates in activities for equal opportunities for women at international level, in Women's Committees of ICFTU and ETUC:

- a lady representative of the National Commission participated in ETUC Equal Opportunities Programme. To adapt the document to Polish conditions and work out the assumptions of the Union's women's policy there was a meeting of a group of lady delegates to the National Congress, representatives of National Women's Section and coordinators for women's affairs.
- the coordinator for women's affairs of the National Commission represents the Union in ETUC Women's Committee, where she has been a vice-president since June 2004. ETUC teams worked on: drafting a cooperation agreement on equal treatment of employees (in March 2005 the agreement was approved by ETUC and employers' organisations at European level, negotiations with employers at national level on similar principles are in progress), framework agreement workplace violence prevention.

Trainings on acquiring members were delivered as a part of the campaign of acquiring women, run by ICFTU, attended by the activists of National Women's Section, regional and sector coordinators.

3.6.3 Equal opportunities for young people

The National Commission through its proxy for the young collects information on the situation of young employees, on their problems in the job market in Poland and tries to build their identity about the role of a trade union as a tool of solving employee problems.

The proxy cooperates, through Development Department of the National Commission, with:

- trade union organisers employed in boards of the regions, who have contacts with the young and their problems due to their responsibilities ,
- with communities of young union leaders at the level of enterprises.

Inter alia, the following meetings took place:

- in October 2003 – “Programme for the Young” was worked out. The Programme specifies the objectives of work with young employees and ways of their attainment;
- in April 2004 – “The Union organisers and young employees” – it was agreed that the union organisers in the regions are to work with young employees in cooperation with Union Development Department of the National Commission and the proxy of the National Commission,
- in October 2005 – “Young employees and NSZZ ‘Solidarność’ – new challenges”, action plans to organise young employees at their enterprise were worked out.

The National Commission also:

- cooperated with Economic Fund and the following regions: Podlaski and Warmińsko- Mazurski under the project financed from EU funds, preparing young unemployed from those regions to finding jobs and taking up employment;
- prepared and made (from April 2004 to April 2005) a questionnaire on forms of work with young employees, the questionnaire indicated that at least 475 young employees organised themselves into a trade union in 21 enterprises in 16 regions;
- cooperated in the social campaign “Solidarność – what des it mean to you?” meant for young Polish people on the occasion of 25th anniversary of NSZZ “Solidarność” (July 2005);
- prepared 500 thousand union leaflets (in cooperation with the regions) meant for young people, and distributed them during the celebrations of 25th anniversary of establishing NSZZ “Solidarność” all over Poland and before the concert of J.M. Jarre in Gdańsk.

Under international cooperation on solving the problems of young employees the National Commission cooperates, *inter alia*, with ICFTU, ETUC, ILO and trade union organisations operating in the Baltic countries, i.e.: Ukraine, Belarus, Russia, Moldova, Norway Sweden.

III. INTERNATIONAL COOPERATION AND EUROPEAN INTEGRATION

During this term of office international cooperation of the National Commission was dominated by two processes: enlargement of the European Union and Poland’s accession, and enlargement of the world’s trade union movement.

1.1 European integration

ETUC Congress, held in Prague in 2003, was of great significance to the pre-accession phase. The representatives of NSZZ “Solidarność” managed, in cooperation with other trade union head offices from Central and Eastern Europe, to emphasise in the programme resolution the historic significance of EU enlargement and setting new tasks for ETUC, such as, *inter alia*:

- full incorporation of the new Member States into social partnership, that is into participation in negotiations at European level,
- monitoring development of European Workers Councils after enlargement,
- exercising pressure on fair and solidarity distribution of structural funds,
- joint campaign to prepare social plans for the enterprises meant for restructuring in the new reality of single market .

Representatives of NSZZ “Solidarność” became full members of European Advisory Committees, directly expressing opinions on the activities of the European Commission, European Social-Economic Committee (advisory body of European Union institutions) and national advisory bodies with an influence on decisions of the government of the Republic of Poland, translating into Polish positions in EU bodies and having direct impact on implementation of European decisions at national level. With the accession NSZZ “Solidarność” gained voting rights in ETUC on the issues connected with negotiations at European level, together with European bodies and employers’ organisations. Thus there appeared two, previously unavailable , ways of exercising influence on decisions of European bodies through:

- impact, with voting rights, on negotiation mandate of ETUC,
- impact at national level, *inter alia*, at the forum of Tripartite Commission for Socio-Economic Issues, on the position of the government of the Republic of Poland, translating into decisions of European Union bodies.

Revision of the European working time and negotiating the content of the directive on services in internal market were the two issues that the Union dealt with in a strict and decisive way. The two issues are still being discussed, but thanks to the Union’s offensive coordinated by ETUC we have managed to block many

unfavourable solutions, e.g. replacing the principle of country of origin with the principle of freedom of providing services, respecting the regulations of the country in which the service is provided. A few tens of NSZZ “Solidarność” members participated in successful ETUC demonstrations in Brussels in March 2005 and Strasbourg in February 2006.

It is extremely important that Polish employees have full right to membership in European Works Councils, entitling to information and consultations with the top management in the central offices multinational enterprises. More and more often it is Polish trade union members that initiate negotiations with multinational employers, negotiations aimed at concluding an agreement of establishing European Works Council.

Creating the best possible conditions of work for Polish employees in Poland still remains one of the most important objectives of NSZZ “Solidarność” but freedom of employment in the territory of entire European Union is one of the pillars of European integration without the implementation which the benefits of single market would refer only to goods and capital, and to employees. On this issue we have managed to develop an unambiguous position of ETUC, accepted by a vast majority of votes, identifying the problems of integrating job market and calling for opening the market.

1.2 Unification process of world’s trade union movement

After numerous unsuccessful initiatives of creating a common international trade union front, the process of closer relations between WCL and ICFTU started in 2003 with a speech of Secretary General of ICFTU at ETUC Congress in Prague, calling for creating a unified trade union central in the spirit of “Solidarność” address in Jastrzębie Zdrój in 1998. The decision of the authorities of the two international conferences led to a mutual agreement on creation of a common central - it will take place during the foundation congress of the new confederation in Vienna in November 2006. The talks, however, are still in progress, and besides creation of a common idea and programme platform based on the principle of independent and democratic trade union movement and on common declaration of the principles, there are still a number of problems to be solved, such as:

- competencies of continental and sectoral structures (ICFTU and WCL structures differ a lot in this respect),
- effective providing for internal pluralism,
- right or prohibition of creating internal networks or fractions,
- effective providing for maintaining idea identity of component parts of the new confederation,
- status and mode of joining the new central of the trade unions so far remaining outside ICFTU and WCL.

ICFTU Congress, held in Japan in December 2004, which openly and thoroughly discussed the issues of trade union unity, was a significant step towards unification.

The next after ICFTU Congress key stage in creating the new organisation was WCL Congress in Houffalize (Belgium) in November 2005. The Congress dealt mainly with the unification process and succeeded in overcoming the essential differences in gaining agreement of sectoral federation of WCL to participation in the process, thus removing the last obstacle in unifying the trade union movement at international level.

1.3 International Labour Organisation

In June each year, representatives of “Solidarność” participate in World Confederation of Labour, the most important meeting under ILO.

- o in 2003 the Confederation discussed the way of combating poverty on a global scale, security of employment in the context of new forms of work, combating forced labour and workplace discrimination
- o in 2004 the Confederation dealt with the problem of the rights of migrating employees, human resources development, employee rights and the situation of employees in Occupied Arab Territories and Burma (Myanmar) and other countries
- o in 2005 the Confederation discussed the problems of globalisation, forced labour, working hours in fisheries sector, safety and hygiene at work and employment of the young. New elections to Administration Board were carried out. The term of office will last till 2008.
- o it was planned that in 2006 the Conference would deal with the problems of children labour safety and hygiene at work, employment contracts, labour inspection, situation of employees in Burma (Myanmar) and in other countries

Representatives of the National Commission took part in 7 European Regional Meeting of ILO in Budapest in March 2005. The meeting’s slogan was “East – West: Common Future” and its main theme was transformation in occupational life of man in the context of economic reform and globalisation.

1.4 Support to international trade union movement

NSZZ “Solidarność” intervened on many occasions, appealing to the state authorities and employers in the countries where human, employee and trade union rights are violated. Such protests were sent to ca 30 countries, *inter alia*, to Burma, Indonesia, China, Nigeria.

In the time when multinational enterprises and international capital are free to move in an almost unlimited way, our support to independent trade union movements and activities aimed at observing the fundamental ILO labour standards are an expression of not only our solidarity but also of our own interest in the good sense of the

tem, as in the unlimited race for increased competitiveness, capital makes use of each and every weakness of trade union movement, transfers jobs to the areas free of independent trade unions and – lowering labour standards and reducing wages – competes unfairly, leading to erosion of labour law and social security in the entire world.

Our activities, unfortunately, not always bring about desirable results, and Belarus is a particularly extreme example of violating democratic standards, principles of the state of law, human and trade union rights so close to Poland. Since our appeals to Belarus authorities were unsuccessful, NSZZ “Solidarność” became involved in the activities of ICFTU, WCL and ETUC, which notified the European Commission about violations of ILO Convention No 87 MOP on trade union freedom of association and requested an investigation and the issues. The investigation confirmed the charges and the European Commission asked UE Committee for Generalised System of Preferences to examine the purposefulness of withdrawing customs preferences granted to Belarus.

In 2006 the President of the National Commission submitted a motion to the government to support the proposal of temporary suspension of GSP rights of Belarus. But the reply was not the one that had been expected – the government said that it would be against withdrawing customs preferences granted to Belarus.

(More detailed information is available to the delegates in the reports of individual teams and offices of the National Commission in the Secretariat of the National Congress of Delegates).

The report approved by the National Commission in Warsaw on 22 August 2006.