

Report on the Operations of the National Commission of NSZZ „Solidarność” for the Term of Office October 1998 – August 2002

The operations of NSZZ „Solidarność” authorities during the last four-year term of office were carried out in the continued difficult conditions. Natural social strains related to the continuation of restructuring of economy and ownership transformations were even more acute due to increasing unemployment and stopping the economic growth which accelerated bankruptcy of companies or reduction in employment.

The social disappointment with the policy of the AWS-UW Government grew deeper, because of the mistakes made by the State authorities in implementation of social reforms. This disappointment was sometimes stirred by the purposeful critical opinion voiced by the media (particularly public television). The election of 2001 completely changed the political relations, however, the Government established by the SLD-UP-PSL in spite of absolute majority in the Parliament has shown no positive achievements; on the contrary, soon it introduced numerous changes affecting the poorest social groups and limiting workers' and unions' rights.

NSZZ „Solidarność” has protected the workers' interests and rights mainly in the form of negotiations with the Government, but also by active participation in the law-making processes, talks with employers and participation in numerous commissions and tripartite groups. The social dialogue, however, did not work efficiently. Talks were taken up only too frequently under the pressure of street protests. The Government was also to be blamed for the crisis in the dialogue, as it sometimes neglected social partners or trying to eliminate the existing forms of dialogue (e.g. at establishing a minimum wage or wage increase). There was no coherence in the operations of individual Governmental resorts and social partners. Passing the Act on the Tripartite Commission for Social and Economic Affairs (based on a compromise between social partners) was a success, which created a chance for the improvement of the situation.

NSZZ „Solidarność” withdrew from the direct political engagement, stepping out of the AWS. The Union upgraded its operational programme, adjusting it to the changing situation.

I. NSZZ „Solidarność” – INTERNAL ISSUES

1. Organization and structures of the Union

1.1 Regional structures

The National Commission defined the provisions for the change of the scope of operations of the Regions, together with changes in the site of the registration of the Union organizations operating within a single *powiat* but registered in different Regions. Thus, the National Commission took up a decision on changing the scope of operations of the Regions in 43 cases. The changes referred to most of the Regions, except for the two Regions: Wielkopolska Południowa and Ziemia Radomska. The Pojezierze Region was struck from the National Register of Regions, and its area divided between the two Regions: Warmińsko-Mazurski and Podlaski (former Białostocki).

The National Commission for the first time applied the procedure of receivership (stipulated by the Statutes) on 22nd August 2000 in the Słupsk Region. The receiver summoned a general meeting of the delegates of the Region, which elected a new president of the Regional Board.

Following Resolution No 5 of the 10th National Congress of Delegates, the National Commission defined the principles of appointing and functioning of joint representation of Regional structures operating in a given Province, and its contacts with local administration. Joint representation was appointed in 8 Provinces, and the provinces mentioned below do not have an individual representative of the Union for contacts with the administration; these Provinces are: Dolnośląskie, Lubuskie, Opolskie, Podlaskie, Śląskie, Świętokrzyskie, Warmińsko-Mazurskie and Małopolskie.

Following the resolution of the National Congress of Delegates on preparing the operational strategy of the Union, the National Commission adopted standards of operation for the Regions, defining their basic tasks (development and information, legal and economic aid, training), minimum number of jobs necessary to carry them out and the deadline for implementing them by the end of the next term of office.

1.2 Branch structures

The National Commission helped national branch structures with their contacts with the Government and employers, especially when problems referred to several sectors. Very often consultation and information meetings were arranged between Ministries and Central Administration, and e.g. the Chemical Industry Workers'

Secretariat or the National Sections of: Meat Industry Workers, Civil Employees of the Ministry of National Defence, Distillery Industry, Brewery Industry, Education, Bank Employees, Tax Office Employees, Health Service Employees, and Administrations Employees. The Commission also carried out negotiations in case of overlapping competence of individual structures or when clash of interests occurred which could not be reconciled within a given branch.

In particular, the National Commission helped the representatives of the branch structures to prepare and handle visits of foreign guests or trips abroad. The Commission monitored the privatisation of healthcare sector in co-operation with the Health Protection Secretariat and carried out legal and economic consultancy for the restructuring individual healthcare centres.

The following national sections of NSZZ „Solidarność” were registered: Professional Taxi-Drivers, Tax Office Employees, Bakers, Cake and Confectionery Manufacturers, Polish Academy of Sciences, Agriculture Advisory Workers, Paper Industry Workers, and Ambulance Service Workers. The Union helped with the integration of the Meat and Poultry Industry Workers, and with the consolidation of the enterprise union organisations into the National Section of Meat, Poultry and Fat Industry.

As in the case of the Regions, The National Commission defined standards of functioning of the branches, particularly defining their basic tasks (development and communication, experts' aid, negotiations, training), and the minimum number of jobs for carrying out works.

A meeting of the delegates from branch structures for the National Congress of Delegates dealt with the directions of structural reforms of NSZZ „Solidarność”. There were also periodical meetings of chairmen of the national branch secretariats.

1.3 Adjusting to employers' organizational structure

The adjustment of the Union structure to the changing organizational structure of enterprises is still under way. In the period under discussion, the National Commission registered many new inter-enterprise coordinating commissions, including:

- MKK* Regionalnych Oddziałów Przesyłu PGNiG SA [Regional Oil and Gas Transport Company]
- MKK Południowego Koncernu Energetycznego S.A. [Southern Power Production Concern]
- MKK at a few regional State Forestry Boards
- MKK Pracowników Ochotniczych Hufców Pracy [Voluntary Working Corps]
- MKK real – Poland [supermarket chain]
- MKK Hochtief Polska sp. z o.o.
- MKK Kas Chorych [Health Insurance Companies]

The database of multinational companies was developed. By organizing training courses and rendering technical help, the National Commission of NSZZ „Solidarność” supported Union activists of multinational companies in their efforts to join European Works Councils.

2. Organizing new members

In the period under discussion, the number of the trade union members was decreasing; this was caused mainly by economic processes, which led to decrease in employment in branches and enterprises with a high number of unionists. New companies emerged with no trade union organizations. In order to stop this unfavourable tendency, the National Commission and numerous Regional Boards and enterprise organisations initiated the action of organizing new members. The action consisted in organizing workers: establishing union organizations in companies where there was no NSZZ „Solidarność”, and working on increasing the number of members in the companies where the union organizations were present.

In 1999, the National Commission created the Union Development Department, which – in co-operation with the regional and branch co-ordinators and all the departments of the National Commission – is trying to help workers in new enterprises to organize trade unions. The programme of operation of the Union Development Department includes:

1. direct participation in organizing employees, and supporting regional organizers;
2. collecting statistical data, analysing the current situation and trends;

* MKK = Inter-Enterprise Coordinating Commission

3. training – in co-operation with the Education Department of the National Commission – for union organizers and activists of various levels.

The collective work of the Union Development Department, regional and branch coordinators, organizers and all the departments of the National Commission brought first effects. Several thousand workers joined the Union, and several hundred enterprise union organizations were established in major multinational companies, such as the supermarket chains like real - Géant, Carrefour, Tesco, Billa, and the network of wholesale stores – Makro Cash and Carry, the hotels like Marriott and Radisson SAS, and the food processing manufacture Masterfoods. The coordinated operations aimed at organizing workers, along with professional representation and negotiations with the Boards of those enterprises on the highest level, resulted in partnership agreements on co-operation and hundreds of new members. Unfortunately, these activities failed to balance the outflow of members. As a result of these processes, there are ca. 900,000 members of NSZZ „Solidarność” paying their dues.

The awareness that it is important to organize non-union employees is growing. However, the actions taken up so far are not sufficient. In order to improve the co-operation between the activists organizing new members with the Union Development Department, the National Commission organized a seminar "Co-operation for development" in March 2002. Experts, instructors, organizing coordinators and Union organizers working in the Regional Boards and the National Commission participated in it. The aim of the meeting was to work out a common strategy for organizing new members.

The National Commission allocated some resources from the Fund for Supporting Statutory Tasks of the Regional Boards, branch secretariats and the National Commission, for the development of the Union and organizing workers. It has also adopted standards in line with which a minimum of 1.5 jobs in all the Regional Boards will be kept for coordinators and Union organizers.

3. Functioning of the National Commission

During the last term of office, 50 meetings of the National Commission were held (some of them outside Gdańsk: in Świder, Warsaw, Katowice, Kołobrzeg and Lublin) during which 287 documents of the National Commission were adopted (including 191 resolutions). At the beginning of its term of office, the Commission passed new work regulations, stipulating more precisely the rules for preparing of resolutions and voting. The meetings of the Commission were hindered by the non-observance of the adopted work regulations and the lack of quorum before concluding the agenda (Appendix 1).

The work of the Commission was organized by the Presidium of the National Commission which convened 193 times and issued 852 decisions, positions and statements. These were mainly concerned with internal Union issues (changes of existing structures, and registration of new ones, together with preparatory works of the National Commission) and giving opinions on legal acts. The Presidium often met the representatives of sections and other Union structures in order to learn about their problems or to consult them before taking up decisions. The Members of the Presidium of National Commission took part in numerous meetings and interventions with Ministry and central or regional State administration officers.

The meetings of the National Commission were often devoted to the problems of the individual sector workers; these were preceded by analyses and looking for solutions carried out by the technical departments of the National Commission, in co-operation with the representatives of individual secretariats (Metalworkers, Communication, Mining and Energy, Public Services, Healthcare) and sections (Lignite Mining, Brewery Industry, Automotive Industry, or Coal Mining).

Besides plenary meetings, members of the Commission were engaged in the work of permanent or *ad hoc* teams.

According to Resolutions of 27 October 1998, the following teams of the National Commission were established:

- Working Group for Adjusting Tasks and Structures of the Union to Current Needs;
- Working Group for Working Environment Protection;
- Working Group for Counteracting Unemployment;
- Working Group for Industrial Policy;
- Working Group for Organizing New Members of the Union;
- Working Group for Labour Law;
- Working Group for Social Policy.

On 30th September 1999, the National Commission established Working Group for Preparing the Strategy of Functioning of NSZZ „Solidarność”, and in February 2001 –Working Group for Statutory Tasks Support Fund.

Other teams like the Union Education Council, Working Group for Working Environment Protection, and Working Group for Retirement Bridging Benefits (described elsewhere in the Report) were also co-operating with the National Commission.

Working Group for Counteracting Unemployment was preparing numerous opinions, and its members participated in the works of parliamentary committees and seminars devoted to the problems of labour market. They prepared e.g. the opinion on the National Commission's current and programme postulates concerning socio-economic policy and activities on labour market, including those related to Labour Fund, Guaranteed Workers' Benefits Fund and pre-retirement benefits (the so-called Senate's Bill). Moreover, the Group became familiar with the proposals of the Polish Consulting Group CCM in respect of the limitation of layoffs and creation of new jobs.

The Group presented a list of threats to the Polish labour market, stating that none of the adopted Governmental programmes was implemented. In particular, the Group stressed several unfavourable factors, i.e. a growing number of bankruptcies, increased insolvency of bankrupted companies, inefficiency of employment offices, inflexibility of territorial self-government in respect of unemployment, lack of the State's regional policy, and weak preparation for receiving the EU aid funds.

The Group also held many out-of town meetings: its members participated in the work of Provincial Employment Councils and the Commissions for Social Dialogue.

Working Group for Labour Law held several meetings with members of the Presidium of the National Commission and invited experts. The basic task of its members was participation in the meetings of the Parliamentary commissions and sub-commissions preparing amendments to the Labour Law, giving opinions about numerous drafts of the amendments, the Labour Code in particular. The Group also participated in negotiations with employers (PKPP, KPP, BCC).

Working Group for Social Policy was working in sub-groups on the following issues: wages, minimum wage, social welfare, family allowances, problems of disabled, and housing. Its members participated in giving opinions about Bills and presented the Union's position during meetings with the Government representatives or Parliamentary commissions.

Working Group for Industrial Policy was mainly dealing with the companies included in the National Investment Funds. In co-operation with the Economic Department of the National Commission, it also gave numerous opinions about legal acts, e.g. on the draft and amendments to the Act on Commercialisation and Privatisation of Enterprises, on wage scheme at state-owned enterprises and the State Treasury joint-stock companies, on limits to the remuneration of the members of the board of the State Treasury joint-stock companies. At the Group's motion, the Presidium of the National Commission arranged a meeting with the Minister of Treasury, which led to formulating a model of co-operation. The Group evaluated the programmes for combating unemployment and economic revival – generated both by the Government as well as experts (e.g. the one of the Polish Consulting Group CCM, which was then presented to the authorities of the AWS, RS AWS and the Senate's Club – unfortunately, without any result whatsoever).

Working Group for Strategy of Functioning of the Union prepared a draft of the strategy and operational standards. The National Commission adopted the Group's work on 12th July 2001, passing the resolutions on functioning of the regions and the national branch secretariats.

Working Group for Supporting Statutory Tasks of NSZZ „Solidarność” was established under Resolution No 3 of the 13th National Congress of Delegates and is operating in line with the regulations adopted by the National Commission. According to the regulations, the Group is monitoring the fund and is the first instance considering applications.

The **Negotiation Group for Talks with RS AWS** worked out a list of 47 Union postulates accepted by the Commission, addressed to the Government and the AWS MPs. The meeting with the members of the Government and the Presidium of the AWS Club accelerated the execution of some of the postulates. Majority of them has not been implemented yet, thus the National Commission will attempt to put them in force.

Working Group for Company Pension Schemes (CPS) (established by the decision of the Presidium) organised education of experts and Union activists in respect of the CPS, offered experts' assistance for the Union's regional and branch structures participating in the process of creating the CPS, and participated in preparing legislation. In May 2001, the staff of the Office for Supervising Retirement Funds started a number of training courses for the staff of the regional boards and enterprise organisation members who were to sign the CPS. The Group is presently creating databases about enterprise commissions in enterprises where the Company Pension Schemes are functioning.

European Integration Commission (established by the Presidium of the National Commission) participated in preparing a training handbook "NSZZ „Solidarność” and EU Integration". Its members participated in conferences and seminars on integration, and also rendered information about the issue both to Trade Union structures and as well as to individual members and foreign visitors and students preparing academic dissertations concerning the opinion of NSZZ „Solidarność” on EU enlargement and its engagement in the integration process.

The plenipotentiaries and coordinators working for the National Commission were responsible for the Union's operations in the field of equal opportunities for women, youth, disabled, and for organising new members and the EU integration.

The Women's Section and the network of regional women's coordinators were developing their operations among others within the project "Women/Sweden". In the beginning of 2001 the post of the National Women's Coordinator was taken over by another person. On the basis of the handbook "Together in 'Solidarność'" a series of training courses were held. The co-operation with other organisations dealing with the issue of equal chances (particularly within the ICFTU) developed.

In order to improve the integration of young people, the network of regional coordinators was developed. The Presidium of the National Commission met the representatives of the Independent Students' Association to discuss the possibilities of co-operation. In April 1996 both organisations, i.e. NSZZ „Solidarność” and the Independent Students' Association, took on an obligation to co-operate by signing the declaration on co-operation. Both parties decided to prepare proposals of concrete actions, like the students' action for regaining the right to reduced fares in public transport they were deprived of by the Government of SLD-UP-PSL.

Staff and administration issues in the office of the National Commission

During the reported period, the following issues are worth mentioning:

- successful negotiations with the Telekomunikacja Polska and the replacement (at the expense of the operator) of an obsolete telephone exchange with a new one; at the same time, a contract with another operator, i.e. PTK Centertel, was concluded: it offered a promotional purchase of mobile phones with favourable tariffs for connections within the group;
- company collective agreement was amended with several supplements, and after consultation new work regulations were introduced;
- a new IT system was implemented without outsourcing; the system manages the National Commission's accountancy department and is coherent with current accountancy standards.

4. Improving the Union's internal regulations

Following Resolution No 14 of the 10th National Congress of Delegates, the National Commission appointed Working Group for Adjusting Tasks and Structures of the Union to Current Needs. The work of the Group resulted in a number of resolutions adopted by the National Commission (627/98, 641/98, 642/98 and 784/98), which in turn made it possible to change the scope of the operations of the regions, striking the Regions from the Register and establishing branch and regional coordination groups.

During the 13th National Congress of Delegates in Spała a draft of new Statutes of NSZZ „Solidarność” was under consultation. Resolution No 2 of the 13th Congress obliged all the delegates to fill in a questionnaire; 201 delegates did so. After considering the results of the survey and other comments from the Union, the Statutory Commission presented a new draft of the Statutes for wide consultation. The comments of more than 60 Union structures were received. Taking into consideration those comments, the Statutory Commission worked out a new version of the Statutes and presented it to the delegates during the session of the National Congress of Delegates in Poznań, 2001. The Congress, however, decided to postpone its decision on the issue.

New electoral regulations of the Union were approved together with resolutions regulating, among others, rules of membership and holding both union and political posts.

5. Assets and finances of the Union

5.1 Dues

Membership dues were the basic source of the Union's revenues. In spite of a slight improvement, the efficiency of their transfer to the National Commission is still far from satisfactory. At the beginning of 2001 there was some increase in the income of the National Commission. This was an effect of the meeting of the National Commission, where the problem of dues collection by the regions was discussed, but also of setting off the due contributions from the regions (including the strike fund resources) out of the resources received from the Zurich Group (under a concluded agreement) and sent to the regions as subsidies.

In the reported term of office, several regions (usually the same ones) fell behind in their transfer of dues. These regions were reminded in writing to pay, which usually improved the situation for a while. Some of them, including those with temporary financial problems, addressed the National Commission to grant them a reimbursable benefit to cover their debts (it did not refer to the strike fund) and, as a rule, these applications were approved. Unfortunately, the collection of debts of the regions generated in this way was very slow.

Besides the problems with the timely transfer of dues from the regions, the volume of the money transferred was also a problem. It must be noticed that for nearly half of the regions an average volume of the transferred dues per a Union member suggests that the members' wages are much below the minimum wage in the country. The volume of the dues paid was taken into consideration while establishing criteria of defining the number of delegates for the National Congress and the share of financial resources from the fund for supporting statutory tasks of the Union. A new factor that could support the analysis of the correctness of dues transfer by the regions is the obligation to send to the National Commission financial reports and tax returns for the previous years. Unfortunately, by the end of September only 29 regional boards and 8 national branch secretariats had met this obligation. Also an average value of the dues transferred to the National Commission calculated per a single Union member differed between the regions by nearly 7 times (Appendix 2).

It must be added that the regions showed disproportion in the transfer of dues for the National Commission and the National Strike Fund, to the disadvantage of the latter. The National Commission was regularly informed about the situation.

The income on the dues constituted ca. 70% of the total revenue of the National Commission's budget. The expenditure was traditionally included in the six-months' budgets of the National Commission, subdivided into the main statutory goals. In the period under discussion there was an increase in fixed expenditures due to the price increase, not balanced by the increase in the revenue from membership dues.

5.2 Strike and other funds

Most resources from the strike fund are located in line with Resolution No 10 of the 9th National Congress of Delegates and Resolution No 1 of the 14th Congress on 12-month deposits, and the remainder - in securities (at present these are bonds on the vindication of the Union's assets) and real estates (the "Dal" training centre). There is a constant accrual of the resources located at the National Strike Fund which is an effect of not only subsequent inflow of the dues, but also of the interest on bank deposits. During the 14th National Congress of Delegates, new regulations for the Fund were adopted which take into account the experience gathered so far. Significant payouts from the Fund were made in relation to the manifestations organised by our Union, including the ones in defence of the Labour Code (Appendix 3).

The Fund for supporting the statutory tasks of the Union utilises the resources obtained as a result of the agreement concluded with the Zurich Group. The general rule of the Fund's policy is locating these resources in safe investments (first of all, financial instruments) and making payouts only up to the volume constituting the difference between the real fund accrual and the growth which would be a result of inflation. Thus, the real value of the Fund does not decrease and will constitute the injection for the budgets of the regional boards, national councils, branch secretariats and the National Commission. In line with the strategy of investing the resources placed in this Fund, the liabilities of the Treasury of the State were bought out from the Union structures. Some of the resources were located in the investment fund INVESCO. The remainder is located in long-term bank deposits.

After the first year of its existence, the Fund has made a distributable profit (over the inflation) of more than 3.5 million PLN that was transferred to the Union structures and 1/3 of it to the National Commission for financing its 4 priorities, i.e. the development of the Union, training, experts' help and the Union's internal information. The amount of 2,745,800 PLN had been spent from the Fund by the end of June 2002.

Out of the resources resulting from the split of assets left after the CRZZ (former communist trade unions) the amount of 5.2 million PLN were put aside for the aid of the victims of communist repressions, as stipulated by Resolution No 9 of the 14th National Congress of Delegates; 10 million PLN were located in the shares of the "Dekom" company, 2 million PLN in the shares of the "Tysol" company – the editor of "Solidarność Weekly"; 500,000 PLN were transferred to the Economic Foundation, and the amount of 500,000 PLN was put aside to purchase a real estate in which the training centre for constructions workers is operating in Warsaw.

5.3 The assets and financial management of the Union. Business activities of the entities established by the National Commission

There was a significant increase in the assets of the National Commission, first of all due the amicable agreement concluded with the Zurich Group and the vindication of assets confiscated during the Martial Law. Out of the resources resulting from the agreement, having transferred some of the money to the regional and branch structures (2 million PLN to the regions in proportion to the volume of the dues transferred to the National Commission and 265,000 PLN for the regional boards and national councils of branch secretariats for subsidising the start-up of e-mail services), the National Commission set up the fund for supporting statutory tasks of the Union, which was already discussed.

The co-operation with INVESCO, the world's tycoon in the field of financial services, was established. It is the intention of both parties that the co-operation would be of a long-term character, and the scope of services rendered by INVESCO to the Union would be gradually enlarged. At present, the co-operation is established in the field of company pension schemes.

NSZZ „Solidarność” (the Union as such) owns or is a co-owner of the following real estates: in Gdańsk – part of the building of the National Commission's seat and a complex of real estates which host the training centre of the Union (at the beginning of 2001, training rooms were opened in the "Dal" Hotel, and the investment was financed in 17% out of the donation of the Belgian trade union ACV-CSC); in Warsaw – a house in Oboźna Street; in Kołobrzeg – part of a sanatorium; and in Kielce – a large office building.

Besides the above-mentioned training centre, the Union also invested in the construction of a swimming pool in Kołobrzeg and in the refurbishment and modernisation of the entire sanatorium building. At the beginning of the last term of office, the roof of the seat of the National Commission was repaired. At the same time, the adaptation works (for the needs of the national Commission) of the premises leased in Warsaw in Nowy Świat Street were carried out.

According to one of the basic rules of our Union, the business activities of the National Commission are carried out solely by business entities established by the Commission. In most cases these are the commercial law companies. The company "Decom" Ltd. manages the real estate leased from the National Commission and carries out business operations (running a sanatorium and a hotel), and it co-organised a few mass events (a True Song Concert, a solemn session of the 13th National Congress of Delegates and the accompanying events).

The oldest company set up by the National Commission is the "Fundusz Gospodarczy Ltd.", which recently dealt with sale of personal insurance and running archives.

Another company is the "Tysol Ltd." which recently limited its operation practically only to publishing "Solidarność Weekly". As in 2001 there was a crisis within the company, the Managing and Supervisory Boards were changed and a lot of issues were put in order. The financial condition of the magazine improved: there was a significant growth in sales and subscription up to the level from a few years back. As it has already been mentioned, the company received a capital injection which would not only service the existing debt, but also would give "Solidarność Weekly" a chance for further development.

The company "Małopolska-Press SA" (whose shares were owned by the National Commission), the editor of "AWS Weekly" was put to liquidation and then bankruptcy 2 years ago. Both processes have not been completed yet.

The Economic Foundation, whose sole founder is the National Commission, carries out publishing activities mainly. However, it co-operates in establishing a company that will implement the technology of

retaining wall (T-Wall). Because of high liabilities, the Foundation has problems with liquidity. However, its situation is improving and the Foundation is coming out of the deep crisis which was particularly visible 4 years ago and was the reason for personal changes in the Foundation's Managing Board.

NSZZ „Solidarność” is the sole founder of the Foundation of Solidarity Promotion which has already started its activities, and one of a few co-founders in "Pro Patria – Bastion Św. Rocha" Foundation and the Solidarity Centre.

5.4 Vindication of the property

One of the most important ways of financial strengthening of the Union, to which the National Commission paid much attention, was the execution of the decision of the Social Vindication Commission in reference to the assets confiscated during the Martial Law. The case was successful thanks to several years of efforts and two amendments to the Vindication Act, however, the obstacle to satisfying claims is the lack of money in the State budget. As a result of negotiations carried out by the National Commission, the Minister of Finance suggested the solution of satisfying claims of the Union by the State Treasury bonds. In line with the 29th March 2001 Act on Rules and Forms of Satisfying Liabilities of the State Treasury, being an effect of the decision of the Social Vindication Commission, part of the State Treasury liabilities was covered by the bonds. The eligible parties, who hold the verdicts of the Social Vindication Commission issued by 31st December 2000, received the bonds on their security accounts in the middle of August 2001. The National Commission granted its legal aid to all the interested parties in the vindication process. A big effort was made to buy out the verdicts from the enterprise commissions on the conditions most favourable for the transferor.

In April 2001, negotiations (with the support from the ETUC) with the authorities of the OPZZ concerning the Union's assets were taken up. As far as the return of the revalued money from the division of the assets of the former CRZZ [central council of the communist trade unions] is concerned, the negotiations ended with issuing the regulation accompanying the Act on Tripartite Committee, as a result of which 'Solidarność' received about 50 million PLN in March 2002. The assets of the FWP [workers' holiday fund] are still under negotiation targeted at the fifty-fifty division of property.

6. Union training

Union training carried out by the National Commission was organised first of all by the Education Department shifted from the Economic Foundation to the National Commission's office; however, occasionally other departments (like European Integration Commission, Economic Policy, Branch, or Environmental Protection Departments) also joined in. These types of training are financed from the National Commission's budget and from foreign sources (trade unions and foundations) such as the CFDT, the LO-Sweden, the Friedrich Ebert Foundation, and the ILO. The co-operation with the ETUCO is very good: during the last term of office 98 people were trained, most of them in 2001-2002.

The Union Education Council monitored the training activities, and it held 8 meetings (its Presidium convened 11 times). The Council prepared new Regulations of the Union Education Council, standards of functioning of the regional education departments, and foundations of training strategy for the past and coming terms of office.

In general, during the term of office 4,749 people were trained (including 1,725 women), and 244 training events were held.

Types of training:

The following training courses were carried out:

- Methodology of Education for Future Union Instructors;
- Visualisation of the Teaching Process;
- Psychology of the Group;
- Training in Economics;
- Union's Development;
- general Union training for activists;
- Training in Social Skills;
- "Together in >>Solidarność<<";
- training for audit commissions;
- Strategic Management ("Lider/CFDT");

- Interpersonal Communication ("Lider/CFDT");
- Activation of the Regions of Podkarpacie, Toruń, Podbeskidzie, Ziemia Przemyska, Śląsk Opolski, Płock, Kujawy and Ziemia Dobrzyńska, Jelenia Góra, Warmia and Mazury, Southern Wielkopolska;
- the most recent training programme: "Managing International (Aid) Projects".

2001 was the last year of training within the project of 'Activation of the Regions'. There were also 4 meetings of the team "Lider/CFDT" held; the team is preparing a training programme for NSZZ „Solidarność” leaders. The trainers from the Education Department, the National Commission's staff, and regional trainers participated in the training organised by ETUCO and other trade unions.

From 2000 most of the training events were held in the training centre in "Dal Hotel".

Training materials

New training materials are being prepared, i.e. a training manual 'NSZZ „Solidarność” and the integration with the European Union', 'Audit Committees', 'Collective Agreements', and a revised edition of 'Together in 'Solidarność'. As far as methodology of teaching training is concerned, the curricula used before were completely changed and modernised, expanding the existing offer by new aspects like psychology of the group and visualisation of the teaching process. Programmes referring to self presentation, rhetoric, and the methods of evaluating Union training are being prepared. New programmes of special training were worked out: on commercialisation and privatisation of state-owned companies, collective agreements, integration with the EU, social dialogue, for audit commissions, "Together in <Solidarność>". The programmes of negotiations and economic training were changed and upgraded.

In 2000, the members of the Group for Development of the Union drew up a manual entitled "Organising workers" addressed mainly to professional union organisers. Another handbook referring to the same problem is going to be printed soon, this one, however, is addressed to activists in enterprise commissions. The Union Development Department together with the Education Department drew up a union training programme under the same heading – "Organising Workers". The manual and Union training were organised in such a way that all the Union activists engaged in helping workers to organise should get adequate technical support and all the ideas, experience and operations could be passed on.

Since July this year, the training materials have been published in an electronic version, which significantly decreases publishing costs. The Internet site of the Education Department has been working since the middle of August 2001.

Participation in international projects:

1. The aid programme for the network of women coordinators is carried out in cooperation with the Swedish trade union LO.
2. The project LIDER was prepared together with the French trade union CFDT.
3. In May this year, an application to Access-2000 – Small Subsidies was launched; the applications to Access-2000 – Large Subsidies and to Leonardo da Vinci are being prepared.
4. The ETUCO invited us to co-operate in applying for 2 aid programmes related to the implementation of *acquis communautaire*, protection of workers' and unionists' rights for Central and Eastern Europe.
5. Within the project of improving the quality of union training in the post-communist countries (finished in 2001), the Education Department hosted study visits of trainers from Romania, Slovakia, Moldavia, Bulgaria, Lithuania and Estonia. The methodology teachers held lectures on basic training, training for methodology teachers and on financing union training.
6. Four instructors have the licence of Eurotrainers conferred upon them by the ETUCO, which gives them the right to carry out training all over Europe. It must be noted that we have the highest rate of highly-qualified staff among the trade unions from all the countries of Central and Eastern Europe. Instructors from Dolny Śląsk and Śląsko-Dąbrowski Regions have the above-mentioned licence, and further educators from Mazowsze and Toruń Regions are being trained for the Eurotrainer's licence.

7. Participation in law-making process

One of the basic tasks of the National Commission is giving opinion about legal acts, and then lobbying in the Government and the Parliament of the Union's comments and proposals. Engagement of the MPs who were members of our Union facilitated to a large extent the creation of legal solution coherent with the expectations of NSZZ „Solidarność”. The Union had a possibility of influencing legislation processes thanks to the AWS Parliamentary Club owing to which a few programme postulates of the Union were fulfilled. These include:

- favourable amendments to the Labour Code and the Trade Union Act;
- appointing the Tripartite Commission by the virtue of the law;
- 5-day working week;
- restitution of the Union's assets confiscated during the Martial Law;
- amendments to the Teacher's Charter and to the Higher Education Act introducing new wage schemes and rises in remuneration;
- the Act on Restructuring of coal and sulphur mining, steel industry, armaments industry, Polish Rail, light industry; at the same time the Union provided huge financial resources to attenuate the adverse effects of transformations;

and many others related to social and economic policy (Appendix 4). Not all the postulates, however, could be satisfactorily arranged in this way. Therefore, the National Commission started to negotiate the postulates with the RS AWS (Appendix 5). The effect of the negotiations was rather poor and the Union must find some other way.

As the experts' fund was rather small, consulting legal acts was mainly up the National Commission and the regional and branch structures. Thus, the Union gave its opinion during the reported period about all the important Acts. In most cases the opinions were given on the basis of workouts prepared by the National Commission offices, e.g.:

- in the field of economy and finance –Economic Department;
- in the field of law –Legal Department;
- in the field of social policy –Social Policy Department;
- in the field of health and safety at work –Environmental Protection Department;
- in the field of labour market –Department for Combating Unemployment.

The National Commission in co-operation with branch structures dealt with the amendments to the Act on Commercialisation and Privatisation of state-owned Enterprises. It successfully negotiated with the Government the amendments to the Act which implemented the motions of 'Solidarność' (e.g. a social pact or leaving workers' representatives in supervisory boards). The Union appealed to the AWS Club many times in relation to the legal solution of social liabilities during privatisation and striking Paragraph 13 Item 4 from the Act on the Prohibition of Joining the Union Function with Participation in Supervisory Boards, together with other solutions, important from workers' point of view (following the decision of the Presidium, the National Commission, and the 10th National Congress of Delegates). The Union's postulates were not implemented, mainly because the Parliamentary Commission for months failed to work on them. So far, the amendments included only Paragraph 56 of the Act, resulting in creating contingency for enfranchising.

In co-operation with the National Section of Harbours, the National Commission enforced the amendments to the Harbours and Havens Act, which enabled workers to obtain shares of their enterprises free of charge.

Giving opinion about other important Bills (e.g. in respect of labour law and labour market) is described elsewhere in this Report.

Whenever it was impossible to obtain a desired effect through the Parliament, the Union exercised other legal possibilities such as filing motions to the Constitutional Tribunal or the Supreme Court.

Motions filed to the Constitutional Tribunal:

1. Under the 19th Oct. 1991 Act on Managing the Rural Real Estate owned by the Treasury of State, the former employees of the state-owned farms [PGR] were excluded from the free-of-charge purchase of shares of the transformed workplaces. Since the Parliament failed to solve the problem of accepting ownership rights of the former PGR workers (Resolution of the 11th National Congress of Delegates), the National Commission after consultations filed a motion to the Tribunal; the Tribunal, however, refused to make the matter take its course.

2. A motion was filed to check the coherence between the Constitution and the provision eliminating the pre-retirement benefit. The 17th December 2001 Act changed the structure and provisions for granting pre-retirement benefits from the 31st December 2001; therefore, it was moved that introducing the above-said amendments infringed the Constitutional principle of a democratic State of law, implementing the principles of social justice and law and order, and the whole procedure infringed the basic rules of law-making. The case continues.
3. A motion was filed to check the coherence between the Constitution and the provisions of the Act which introduced new regulations of remunerating teachers. The case continues.
4. A motion was filed to check the coherence between the Constitution and the Act postponing for individual groups of employees the introduction of the so-called 2nd and 3rd stage of wage increase for the academic staff. The case continues.
5. A motion was filed to check the coherence between the Constitution and the amendments suspending for a year the mechanism of wage valuation in the public sector. The case continues.
6. A motion was filed to check the coherence between the Constitution and Paragraph 418 of the Commercial Code stipulating the compulsory redemption of shares from the shareholders representing less than 5% of the equity capital, because the attempts to prepare amendments to the Act (which was believed to be a quicker and more effective solution) failed. In August 2001, the Tribunal accepted the motion, but a few months later dismissed it, because the Union did not have the right of action (procedural prerequisite).

The National Commission decided to withdraw a motion lodged at the Tribunal on 25 million PLN transferred to the OPZZ, as the case was solved by the Tripartite Commission Act.

Questions to the Supreme Court

1. Do special retirement rights refer to workers hired by every employer who carried out works mentioned in the lists included in the ordinance? The Resolution of the Supreme Court of 13th Feb. 2002 (File No III ZP 30/01) is advantageous. In the opinion of the Supreme Court, the right to retirement before reaching the retirement age is vested in all the workers employed in specific conditions, meeting the expectations stipulated by the law, irrespective of the ownership status of the employer.
2. A request to clarify doubts connected with the introduction of all Saturdays free (Paragraph 1 of the 1st March 2001 Act on the Change of the Act – the Labour Code).

8. Working environment protection

The National Commission was deeply engaged in working environment protection through training social labour inspectors, giving opinion about legal acts on health and safety at work, and co-operating with national and international institutions dealing with these problems. The co-operation with the State Labour Inspectorate and the Central Institute of Labour Protection was very important. The contacts with international institutions are worth mentioning as well: with the European Foundation for the Improvement of Living and Working Conditions, European Agency for Health and Safety at Work in Bilbao (the National Commission's representative is a member of the Advisory Committee of the National Central Point).

The work of NSZZ „Solidarność” members in the Labour Protection Council was very important, and as a token of appreciation of their competence, they were offered managerial functions in the Council. Several activists dealing with health and safety at work were awarded the Halina Krahelska Prize by the Chief Labour Inspectorate.

The National Commission in co-operation with some regions (Dolny Śląsk, Gdańsk, and Podbeskidzie) organised the International Commemoration Day for Dead and Injured Workers.

In 1999, there was the 3rd edition of the National Commission of NSZZ „Solidarność” competition for the title of the most active enterprise and inter-enterprise union organisation in the field of improving working conditions and the most active regional and branch coordinator for working environment protection. There were no further editions of the competition in subsequent years, because of the small number of coordinators and organisations entering the competition.

The Department of Human Protection in the Working Environment organised seminars for regional and branch coordinators for health and safety at work. In 2002, it carried out – in co-operation with the Central

Institute of Labour Protection – a project dealing with the EU laws on health and safety at work, in the form of seminars for the social labour inspectors, and training for the regional and branch coordinators for health and safety at work. Altogether ca. 1,100 member of NSZZ „Solidarność” were trained.

9. Information and promotion. The Union's events. Sports and cultural activities

9.1 Information

The Press Department of the National Commission arranged many press conferences with the participation of the Union members.

The national newspapers and magazines, some of the regional ones, and also TV and radio programmes are monitored all the time. Any distortions or the infringement of press law were rectified at once.

In line with the strategy of NSZZ „Solidarność” adopted by the National Commission, the 'Solidarność' Information Service was launched. One meeting with the Union's journalists and two training sessions were devoted to the issue. The 'Solidarność' Information Service is published twice a week. It was decided that "Solidarność Weekly" would become the basic source of information for the Union members.

The Information Bulletin of the National Commission of NSZZ „Solidarność” has a circulation of 3,060 copies, and is sent to the regional boards, secretariats, branch sections and directly to major enterprise organisations, and also to Polish and foreign trade unions. Up to now, 118 issues of the Bulletin were published; besides, there were also special Congress bulletins and special editions on: the European Social Chart, the increase in media prices, and the collective agreements. The union spokesman sends to Chicago weekly radio releases about Poland and the Union based on analysis of current activities of NSZZ „Solidarność”.

Representatives of NSZZ „Solidarność” participated in periodical meetings of union spokesmen of the union organisations associated in the ETUC and ICFTU, and in the meetings of the Union journalists. The spokesman worked out a manual for the Union spokesmen.

E-mail is becoming the main direct route of information flow between the National Commission and other Union structures. After the decision on partial financing of the hardware necessary for e-mail reception, the number of e-mail addresses increased. At present all the regional boards and branch secretariats have access to such communication means.

The information site about the Union and its operations is constantly developing at the address <http://www.solidarnosc.org.pl>. Many departments open their own sites, e.g. the Union Development Department at www.solidarnosc.org.pl/drz. This site is addressed to the current members and potential members of NSZZ „Solidarność”.

The International Department of the National Commission is conducting a constant information campaign sent abroad on the issues of the Union and of Poland. It publishes a monthly bulletin in English (NSZZ „Solidarność” Newsletter).

The role of the National Commission archives is growing: the resources are available to third parties who look for materials about the Union for school or research. The 20th anniversary of NSZZ „Solidarność” was a good opportunity to enrich the archives by new materials.

9.2 The Union's events

The National Commission organised numerous nation-wide traditional events such as the celebration of the anniversary of Concluding August Agreements, introduction of the Marshal Law; it has also organised a pilgrimage of workers in Kalisz or a pilgrimage of working people to Jasna Góra Sanctuary in Częstochowa.

The 20th Anniversary of NSZZ „Solidarność” was solemnly celebrated in 2000. The main items of the central event were the opening of the 'Solidarność' museum in the historic BHP (Health and Safety Hall), solemn National Congress of Delegates, and the celebrations under the Monument to the Killed Shipyard Workers.

9.3 Sports and cultural activities

The National Commission kept supporting national sports events such as an International Bicycle Race (major organiser: the Regional Board of Ziemia Łódzka), an International Bridge Tournament and a 'Solidarność' Marathon in Tri-City (major organiser: the Regional Board of Gdańsk). The National Association of Health Culture and Sports of NSZZ „Solidarność” took over the organisation and financing of these events from the National Commission.

II. SOCIAL PROTECTION: DEFENCE OF WORKERS' RIGHTS AND INTERESTS

1. Industrial relations

The National Commission kept working on improving laws regulating industrial relations. Despite numerous attempts to liberalise the Labour Code during the previous Parliamentary term of office, we effectively counteracted the attempts to introduce amendments disadvantageous for the employees.

In November 2000 amendments to Chapter XI of the Labour Code was passed; these were mainly concerned with acknowledging the representativeness of the union organisations on the national and local levels, and termination of collective agreements. The process of negotiating and concluding the collective agreements was improved. While amending the Code, the following amendments were introduced to the Trade Union Act at a motion from NSZZ „Solidarność“:

- unification of the principles of exemption from work performance of the activists holding posts in enterprise and inter-enterprise union organisations, and bearing the costs – stipulated by this act - by the employers managing a company included in the operations of the inter-enterprise union proportionally to the number of the unionists employed;
- legal obligation for the employers to deduct the dues from the wages of the union members.

In March 2000 in further amendments to the Labour Code, a 5-day working week and gradual decrease in the weekly working hours (41 hours in 2002, and 40 hours in 2003) were passed. This is how a historic postulate from August 1980 was realised.

In November and December 2000 two bills (worked out by UW and SKL MPs) were lodged to the Parliament, which were to liberalise the Labour Code. Firm attitude of NSZZ „Solidarność“, however, made the Parliament reject both bills in May 2001.

In June 2001 another governmental draft of amendments to the Labour Code was submitted, harmonising Polish law with EU directives and provisions of the Polish Constitution. An MP draft prohibiting work on Sundays and other holidays was considered at the same time. The PO MPs took the opportunity to motion several dozen of amendments that would liberalise labour law. The amendments were rejected by the Parliament, together with the Union's postulate to place restrictions on trade on Sundays.

In August 2001, the Parliament passed another amendment to the Labour Code, adjusting Polish law to the EU law in two fields: "Free movement of people" and "Social policy and employment".

A new coalition promised to introduce changes favourable for entrepreneurs. The Union opposed to introducing amendments particularly disadvantageous for workers and decided not to sign the agreement with the employers' organisations concluded by the OPZZ; this was because the National Commission could not accept all the concessions made by the OPZZ. To express its objection to the Government's imposing changes harmful for workers the Union took up several actions. On 20th February 2002, the National Commission set up a group coordinating the action in defence of the Labour Code. On 26th April this year, 70,000 people manifested in Warsaw, collecting signatures in defence of the Labour Code. At the same time a scientific conference was held which confirmed the Union's opinion that most of the amendments to the Code would deteriorate the working conditions and would not facilitate creating new jobs.

The action of NSZZ „Solidarność“ in defence of the Labour Code was supported in solidarity by numerous national and international trade union organisations. Letters of protest against unilateral changes to the Code were sent to the Prime Minister, the President, the Speaker of the Diet, and the Marshall of the Senate by 25 unions from abroad, including the ICFTU, WLC and ETUC.

In spite of NSZZ „Solidarność“ protests, on 26th July 2002 the Parliament passed the controversial amendments in which the MPs introduced changes infringing the Constitution, ILO standards, and European law. The amendments also limit protection for union activists. The National Commission picketed outside the Parliament appealing to the Senate to strike the controversial provision, and then to the President asking him not to sign the act. As the appeal was ignored, the National Commission lodged a complaint to the Constitutional Tribunal.

Representatives of NSZZ „Solidarność“ continued their work in the Commission of Collective Agreements at the Ministry of Labour and Social Policy, however, the number of union representatives in the Commission

decreased as a result of amendments to the ordinance. The National Commission in co-operation with the Metalworkers' Secretariat arranged annual survey of collective agreements. The National Commission intervened in the case of slowing down by the Ministry of Environment the negotiations of above-enterprise level agreement for the workers of the national parks and water economy. As a result, both collective agreements were concluded at the beginning of 2001.

2. Social dialogue

The dialogue carried out with the Tripartite Commission for Social and Economic Affairs was in crisis. Until autumn 2001, the OPZZ had not participated in debates, so the meetings could not have been of a formal character. The 6th July 2001 Act on Tripartite Commission for Social and Economic Affairs and the Provincial Commissions of Social Dialogue was a chance for breaking the long-lasting standstill. The efforts of our Union and other social partners turned out to be a success after more than eight years. The Act stipulates the representativeness of workers' and employers' organisations that are included in the Commission, the deadlines of completing particular stages of giving opinion on the State budget, and gives legal foundations for establishing Provincial commissions of social dialogue. It must be stressed that the provisions of the Act make it impossible to paralyse the works of the Commission by withdrawing of one of the parties to the dialogue (both on the employers' and the union's side).

Five representatives of the Union headed by the President of the National Commission were appointed to the Commission. The Provincial commissions of social dialogue are born with certain difficulties.

Representatives of NSZZ „Solidarność” continued their work in tripartite groups in the restructured branches: mining, steel industry, armament industry, light industry, and healthcare. The group for light industry identified the problems existing in the branch, and signed a record that recommended "Strategy for Light Industry" to the Council of Ministers. Due to the initiative of the National Maritime Section and the Presidium of the National Commission, the Prime Minister appointed a common commission for marine shipping and fishery; the commission includes both the representatives of the Government, ship owners and NSZZ „Solidarność”. The new Government, however, put the commission to liquidation. The National Commission – through training and technical aid – supported NSZZ „Solidarność” activists in multi-national companies in their efforts to be included in the works of the European Works Councils (EWC). It organised a conference on the European Works Councils and published a bulletin promoting the directive on the EWC. The representatives of the National Commission initiated and participate in the tripartite research project of the ILO on the social dialogue in automotive sector in Poland.

The National Commission maintains contacts with the Employers' Organisations on the national level.

3. Protection of workers' rights. Branch disputes and protests

3.1 Branch disputes with the Government and employers

The National Commission supported many negotiations and protests conducted by branch structures. The conflicts usually concerned negative effects of social structural changes (as a result of reforms or ownership transformation). They took place in the following branches: mining (coal mining included), oil, power, metal, armaments, aircraft and sugar industries, health service, fire brigade, telecommunications. Under the May 1992 Agreement signed by the National Commission and the Councils of Ministers, the National Commission approved the following disputes with the Government which have not been resolved yet:

- The Transport Workers' Secretariat (Oct. 1998) – due to the lack of the Government's reaction to the section's postulates concerning, among others, working out assumptions for the transport policy and appointing a common committee in shipping and fishing. Most of the postulates were realised by the Government of the previous term of office. The dispute, however, has not been formally concluded.
- The Secretariat of Natural Resources and Environment Protection (Feb. 1999) – concerning the claim of starting negotiations of the collective bargain contract for the water management and consulting the assumptions for restructuring of the sector. The dispute has not been formally concluded, in spite of the signing of the collective bargain contract.
- The Health Protection Secretariat (April 1999) – the postulates are: social protection in the employment restructuring process and negotiating an above-enterprise level collective agreement. No progress in the carried out talks.

- The Metalworkers' Secretariat (July 1999) – in 1998 a dispute with the Government arose on getting the Government to start negotiations on the problems of the metalworkers. As a result, a bilateral commission was established by the Ministry of Labour and Social Policy, which continues the negotiations. The dispute has not been formally concluded.
- The Miners and Energy Workers' Secretariat (October 1999) – caused by the failure in implementation of the concluded agreements (incl. Early Retirement Bridging Benefits). Although some goals have been reached, the dispute has not been formally concluded. In June 2002 the Secretariat entered into a dispute with the Ministry of Economy and the State Treasury in reference to the planned restructuring of the power production sector. The Government rejected the announced dispute claiming its lack of jurisdiction. The National Commission intervened about the issue firstly, with competent Ministers, then with the Prime Minister.

The dispute between NSZZ „Solidarność” and the Council of Ministers went on; it concerned the growth of wage increase indexes and minimum wage (more: cf. Chapter II, 3.4). The negotiations are carried out by the Science and Education Employees' Secretariat.

Collective disputes and disputes with the Government in the term of office 1998-2002

Miners and Energy Workers

On 4th Feb. 2002, the National Section of Miners and Energy Workers announced entering into a collective dispute with the Coalmining Employers' Union. Claims: including mining benefit in the wage fund, and giving the workers benefits in kind.

Communications

Since 5th Dec. 2001, there has been a collective dispute between the National Section of Telecommunications and the Managing Board of the TP SA (Polish Telecommunications). Claims: giving up massive layoffs, agreement on wage regulations for 2002, payout of the due benefits for 2001.

Transport Workers

Since June 2001, there have been negotiations held under the collective dispute between the Railway Workers' Secretariat and the Board of PKP SA (Polish Rail) concerning the social fund of the enterprise and the situation of the workers in the fenced-out enterprises.

Culture and Mass Media

Since 1999, there have been negotiations held under two collective disputes with the TVP SA (Polish Television) referring to wage decreasing. Although the enterprise commission is a party to the dispute, the nature of the dispute, however, is more universal.

3.2 Protection programmes

The assistance for the union organisations of the restructured branches continued. It was aimed at negotiating protection programmes that would attenuate the negative social effects of the transformation. The protection programmes for mining, steel and armaments industries were successfully negotiated, however, with delay and under the pressure from the protesting workers. The National Commission is critical about the mode of implementation of the programmes, most often questioning the scope and volume of help granted to the workers.

The negotiations were completed on the protection of railway workers in relation to the planned commercialisation, restructuring and privatisation of the PKP. After arduous negotiations, the Act on Commercialisation, Restructuring and Privatisation of the PKP was passed. The Union gave its opinion about the Bill.

3.3 Counteracting violation of workers' and union's rights

In the reported term of office there increased a number of cases of the violation of workers' and union's rights by employers, where the National Commission's intervention was necessary: more than 300 interventions were taken up, and consultations were carried out mainly at a request of the Union organisations or individual members. It is worth noticing that in the years 1998-2000 the organisations of lower level asked the National Commission for help less frequently than after the year 2000.

Therefore, besides rendering legal advice and the activists' personal intervention, the National Commission appointed coordinator for monitoring trade union rights, whose duties include, among others, monitoring situation

and reporting. The collected information shows that the workers' rights are more often infringed in privatised enterprises, particularly joint stock companies, than in state-owned enterprises. There is more and more information about discontinued proceedings or refusal of instituting them in the cases referring to the violation of workers' and union's rights by employers. The reports of the coordinator for workers' rights are reported further on to the ICFTU.

The collected data are currently processed, and they constitute the foundation for lodging complaints to international institutions, such as the ILO.

3.4 Assistance to enterprise union organisations and union members

In cases particularly difficult and complicated, the National Commission helped directly enterprise union organisations. Financial and economic analyses were carried out in enterprises. The National Commission intervened in case of workers' problems, issues related to retirement and pensions, and – most often – during restructuring and ownership transformations in the state-owned enterprises and in the healthcare sector. The interventions referred mainly to the right to free-of-charge shares, operations of supervising and managing bodies of the companies, and working out social pacts.

The National Commission kept monitoring situation in the National Investment Funds, supporting the works of the Inter-Enterprise Coordinating Commissions of NSZZ „Solidarność”. A series of meetings between the representatives of the National Investment Funds (managing companies), the Inter-Enterprise Coordinating Commissions, the enterprise commissions of the daughter companies of the Funds, and the Department of Capital Funds of the Ministry of State Treasury.

Since the existence of still higher number of enterprises is threatened, the National Commission took up efforts to protect them: it appealed to the Government for aid, supported their protests, and arranged a conference (in July) with the participation of their representatives in order to prepare an action plan. A joint group was set up, whose task is to coordinate the actions.

The National Commission supported the regional boards of the areas afflicted with disastrous floods, raising funds for the victims and allocating its own funds to help the wronged Union members and their families.

3.5 Real wage increase

In November 2000, the National Commission (under the 29th May 1992 Agreement on Rules of Proceedings in Resolving Disputes between State Administration and NSZZ „Solidarność”) decided to start a dispute with the Council of Ministers, demanding the correction of wage increase indexes for 2000 and indexes planned for 2001, and minimum wage increase.

3.5.1 Enterprise sector

The maximum annual index of the increase of monthly salaries and wages for 2000 had been forecast 5.7%, but in fact it turned out to be 10.1%. As a result of the dispute, the maximum wage increase index for 2001 was raised to 9.2%, i.e. it was by 0.8% higher than the Government's initial proposal (the forecast inflation rate for 2001 – 7.0%). NSZZ „Solidarność” made the settlement of the wage dispute with the Government conditional upon the results of negotiation on the 2002 index, as this issue was still open. In spite of the statutory requirement, the parties had failed to meet by the end of August 2001, and the Government anticipated the 6.3% maximum annual index, with the assumed inflation ratio of 5.5%. The SLD-UP-PSL Government arbitrarily reduced the maximum monthly wage increase index for 2002 to 5.6%, with the assumed inflation ratio of 4.5%.

In 2001, in line with the attempts of the Health Protection Secretariat, the employees of independent public health service institutions were covered by the Act on the System of Shaping Average Wage Increase. Practical advantages of this solution may be seen in a few years' time. Wage increase for employees of independent public health service institutions is implemented in a very inefficient way: according to data provided by the Ministry of Health, in 2001 only less than 60% of the employees received the increase that was guaranteed by the Act. The Supreme Court decided that the increase constituted the grounds for individual claims, so the employees assert their rights before court. NSZZ „Solidarność” thinks that this problem must be solved nationwide.

Because of the lack of money, pay rise for health service employees is not implemented in 2002. The Union demands that a separate group should be established within the Tripartite Commission for Social and Economic Affairs to solve the problem of arrears of salaries for health service employees and to supervise the implementation of the achieved solution. The Presidium of National Commission accepted this idea. The decision was taken up to establish a group for public services issues.

3.5.2 Public sector

NSZZ „Solidarność” demanded the correction of salary and wage increase indexes for 2000, which would enable to implement the decisions made by the Tripartite Commission for Social and Economic Affairs on 28 August 1996. (The decisions stipulated the equalization of wages of civil workers of the State public sector and those of workers in the enterprise sector.) As a result of the dispute, the wage increase index for 2001 was raised to 7.6%, i.e. it was by 0.2% higher than the Government's initial proposal, and remuneration increase in the higher education sector was to be implemented in three stages (in 2001, average salary and wages increased to 2,250 PLN; next remuneration increases are to be in 2002 and 2003). The Union expressed its negative opinion on the Government's new proposal of remuneration increase in 2002, which anticipated a rise only 0.2% higher than the forecasted index of commodity and service price increase. The SLD-UP-PSL Government, with no consultation with trade unions, moved to the Parliament for wage freeze for workers of public sector in 2002 and for postponing the second stage of remuneration increases for higher education workers by a year. The Parliament accepted the Government's proposal in budget-related acts. NSZZ „Solidarność” moved to the Constitutional Tribunal for investigating the compliance of the Parliament's solutions with the Constitution.

During the debate in the Tripartite Commission for Social and Economic Affairs on remuneration increase in the public sector in 2003, NSZZ „Solidarność” demanded that the salary and wages increase index in this sector should be at least ½ of GNP percentage rise, i.e. at least 1.55% above the forecast inflation.

In the Union's opinion, the second stage of statutory remuneration increases for higher education workers should be implemented separately, without counting it into this index. Finally, the parties concluded an agreement which stipulated that:

- 1) average annual remuneration increase in the State public sector would be 104% (1% above the planned inflation);
- 2) the remuneration increase for higher education workers would be implemented according to the Higher Education Act;
- 3) remuneration increases for teachers in schools and institutions would be implemented according to the Teachers' Charter.

3.5.3 Minimum wage

In June 1999, the Government *ex parte* gave up a method that had been negotiated and worked on for 8 years. As a result of a dispute, the minimum wage increased by 60 PLN (up to 760 PLN), starting 1st Jan. 2001. According to the method used earlier, the minimum wage should have been 900 PLN. NSZZ „Solidarność” demanded that the grounds for establishing the minimum wage should be the method - already worked out with social partners - based on the expenses of 20% of people in the poorest worker households (the 1st of quintuple group). In 2001, at the Union's motion, a tripartite group was set up to establish a common position. The effects of the works were included in the statement of the parliamentary Social Policy Committee; the statement allowed all the Union's postulates:

- maintaining of the negotiation system
- an initial value for negotiating a minimum wage - a method negotiated with social partners, based on expenses in households;
- a method of liquidating the lowering of a minimum wage, resulting from the Government's arbitrary decision to give up the negotiated method.

The lack of the Government's favourable opinion caused that the legislation procedure did not finish; the negotiation group intervened in this matter. The Presidium of National Commission appealed to the Government, and the AWS Parliamentary Club appealed to Speaker of the Diet (Lower House of the Parliament). Unfortunately, the Government did not change its position, and the bill on a minimum wage was not passed in the previous term of office of the Parliament.

In 2002, the SLD-UP-PSL Government started works on the bill on a minimum wage. During the works of the Socio-Economic Tripartite Group, the social partners did not establish a common position.

NSZZ „Solidarność” thinks that:

- 1) If the Council of Ministers does not define a method of establishing the level of the minimum wage that would be a basis for negotiations with social partners, the minimum wage will decrease even more as compared to the average wage. In 2002, this ratio is 35.3%, and in 2006 it may be even as low as 32%.

- 2) The Government's proposal to lower (down to 80%) the minimum wage for people taking up their first job will not result in creating new jobs. It will result in rotation (exchange) of workers.

The Government does not want to specify a final ratio of the minimum wage to the average wage, and does not agree that the basis of statutory regulations should be the method of establishing the minimum wage (worked out with social partners) based on expenses of 20% of people in households with the lowest income. In spite of promises, the Government did not present any new proposals of methods of establishing the minimum wage, although there are changes in the Tax Act.

4. Counteracting unemployment

While counteracting unemployment, the National Commission had to take into consideration growing unemployment and the campaign held by entrepreneurs and liberal economists (taking advantage of the situation) aimed at limiting workers' rights. Representatives of the Union participated in the national debate (e.g. on the Employment Pact) to protect workers' rights and make everybody aware that - in line with NSZZ „Solidarność” position - economic activities leading to economic growth are of fundamental importance.

NSZZ „Solidarność” cooperated with the numerous institutions that influence the labour market, i.e. the National Labour Office, The Agency for Industrial Development SA, and, most of all, with the Chief Employment Council, Labour Fund and the Guaranteed Workers' Benefits Fund, where our Union was represented.

In the period under discussion, the National Commission took up the following activities aimed at counteracting unemployment and achieving full productive employment:

4.1 Organising action in defence of threatened jobs

The National Commission constantly analysed threats to the existing jobs and took up actions aimed at putting kerbs to job liquidation. The actions consisted in supporting the enterprise union organisations and branch and regional structures protecting the companies under liquidation and trying to limit the scale of redundancies in the restructured sectors or companies in financial difficulties. With the aid of the Chief Employment Council, the Guaranteed Workers' Benefits Fund, the Labour Fund and the Agency for Industrial Development SA, the following companies were granted the financial aid: Garbarnia Lubartów SA, "Tonsil" SA in Września, WSK PZL "Świdnik" SA, Kujawskie Zakłady Mechaniczne "KAZEtEM" in Włocławek, Chłodnia "ARKTA" in Bydgoszcz, ZPW "Marilana" in Bielsko-Biała, ZP "MODEL-MAX" and "Perfopol" in Starachowice, Zakłady Tworzyw Sztucznych "Pronit" SA in Pionki, ZM "Łucznicz" SA in Radom, ZM "MESCO" SA in Skarżysko-Kamienna, ZM "DOZAMET" SA in Nowa Dęba, HSW SA in Stalowa Wola, Zakłady Przemysłu Ciągnikowego (in Włocławek, Nisko, Sulęcín, Gorzów, and Warsaw), Zakłady Obuwnicze in Chełmek, Złotoryja, Radom, Zakład Lotniczy PZL Mielec, Nadwiślańska Spółka Węglowa, "Glinik" in Gorlice, Fabryka Maszyn Górniczych "PIOMA" SA in Piotrków, "Daewoo Motor" in Lublin, "Daewoo" in Warsaw, Zakłady Samochodowe Jelcz SA, Kopalnie Soli "Machów" in tarnobrzeg, Myszkowska Fabryka Naczyń Emaliowanych, Przedsiębiorstwo Budowy Szybów in Bytom, "FUT" SA in Suchedniów, "Ortal" SA in Łódź, "Sanvil" SA in Przemyśl, Rzeszowskie Drobnarstwo "Res-Drob" SA, ZUO "Bomet" SA in Barlinek, Wrocławskie Zakłady WYROBÓW Papierniczych SA, "Jarlan" in Jarosław, "Belmer" in Nowa Huta, and numerous companies in the armaments, light, shipbuilding, mining, processing and construction industries.

The Union initiated the works in the Tripartite Commission on the statutory social pact for the workers of shipbuilding industry and the co-operating companies, and subsidizing the Szczecin and Gdynia Shipyards, and the Cegielski Company (300 million USD) in defence of 100,000 jobs.

It is worth noticing that in the years 1994-2001 the Guaranteed Workers' Benefits Fund rendered its aid to 2,101,549 workers from more than 10,000 enterprises, out of which 53% were small, 32% - medium-sized, and 15% - large enterprises. Additionally, 47,265 benefits were rendered to the victims of the floods and ca. 500,000 jobs were successfully defended. It is obvious that the Fund covered the largest number of workers in the industrial provinces, i.e. the Province of Silesia, Mazowsze, Lower Silesia, and Łódź.

In 2001 the spectrum of payouts was increased by the social insurance allowances paid at individual applications. In the reported period it was for the first time in 6 years that the Fund lost its liquidity due to the low amount of contributions paid by the employers, erroneous assessment of revenues, failure in reimbursement of 135 million PLN by the Treasury of the State, and the liquidation of the Fund's contingency for current payouts. The inertia of the Ministers of Labour, Finance, and Economy had led to grievous turbulence in the current operations of the Fund. For doctrinal reasons numerous proposals of both the National Commission of NSZZ „Solidarność” and the Council of the Guaranteed Workers Benefits Fund were rejected.

4.2 Actions for full productive employment

NSZZ „Solidarność” often suggested that the State should carry out the policy of creating favourable environment for job increase (cheap loans, supporting exports, and assistance to the enterprises creating new jobs). It also identified the immobility of local governments, the lack of regional policy of the State, and bad adjustment of Polish system to absorption of the EU aid.

The new Government did not change the State's attitude towards the Chief Employment Council. The social partners from the Chief Employment Council had no influence on the assumptions and the draft of the State's budget for 2002; neither did they have influence on the work of the Minister of Labour and Social Policy and budget-related laws. Because of the lack of Labour Fund resources (as it was the case in 2000), the Council did not give approval to financial applications, as stipulated by the Act on Employment and Counteracting Unemployment. However, it drew the Minister's attention to the fact that the draft of the Fund's budget made it impossible to carry out the constitutional and statutory tasks of supporting the unemployed. The Fund is in urgent need of reforms adjusting it solely to pro-active forms of supporting the unemployed and the projects financed by the European Social Fund.

The Chief Employment Council supported the working plan of the National Labour Office for 2001, particularly in the field of implementation of basic labour market service standards, control of legality of employment, credit lines for supporting entrepreneurship, training for the labour offices' staff, development of the IT system "PULS"; it also gave a critical opinion on the directions of the Minister of Labour's actions. Other issues were discussed too, e.g. efficiency of youth employment programmes, poor flexibility of the Polish labour market, and the problems of the Labour Fund. After the liquidation of the National Labour Office most of the works are at a standstill.

After the revival of the socio-governmental group for the issues of the *poviats* threatened with particularly high structural unemployment, the list of those *poviats* was significantly extended (in line with Position No 16 of the 10th National Congress of Delegates). As a result of the works of the socio-governmental group for verifying the list of the *poviats* threatened with particularly high structural unemployment in 2000, the Council of Ministers produced a new list of the *poviats* threatened with particularly high structural unemployment. As a result of Position No 193/2000 of the Presidium of the National Commission, supported by the social partners and the Minister of Labour, the list of the *poviats* was extended by 12 *poviats* and maintaining current forms of the State's assistance to *gminas* and the unemployed in 103 *poviats* (601 *gminas*) in 14 provinces. The support for infrastructural investment in the *poviats* threatened with particularly high structural unemployment amounted to the total of 150 million PLN in the years 1999-2001. As an effect of Position No 28/2002 of the Presidium of the National Commission, the list of the *poviats* threatened with industrial recession and social exclusion was extended up to 49 *poviats* in 9 provinces.

Moreover, the Union successfully negotiated the establishment of special economic sub-zones in Elbląg, Bielsko and Tarnobrzeg, and the financial assistance from the National Labour Office for hiring the workers from Elbląg by the Gdańsk Shipyard.

The Union participates in the Polish-American project of counteracting unemployment in 3 provinces, i.e. the Province of Pomorze, Lublin and Małopolska; this is the follow-up of the project carried out in the Province of Śląsk in 1999. Moreover, representatives of NSZZ „Solidarność” are active in numerous European institutions dealing with vocational training

- The European Training Foundation (ETF) in Turin is an agency of the EU, dealing with education and vocational training in Central and Eastern Europe, the Community of Independent States and Mongolia. Within the Foundation there is the so-called "Advisory Forum" consisting of representatives of member countries, the European Commission and social partners (employers and unionists);
- The European Centre for the Development of Vocational Training (CEDEFOP) whose task is to assist the European Commission in promoting and developing vocational training in the EU;
- The European Foundation for the Improvement of Living and Working Conditions (EFILWC), whose task is to solve problems related to pursuing the improvement of living and working conditions.

A "working group" was established by the Ministry of Labour and Social Policy, whose task is to prepare a model of life-long vocational education and define statutory tasks and obligations of state and local government structures, and also to determine the role of employers, trade unions and other organisations, and principles of financing, accrediting training institutions and collecting statistical data related to life-long education.

5. Social security and protection of families against poverty

Passing the Act on Tripartite Commission for Social and Economic Affairs will facilitate completion of works on the social minimum and minimum standard of living (works on legal definitions of these terms started in 1992 in the Tripartite Commission group, but in the middle of 1999 they were suspended, as the OPZZ exited the Commission). The Union believes that implementation of the minimum guaranteed wage should be preceded by adoption (as legal terms) the expressions "minimum standard of living" and "social minimum" which should serve as a reference point for defining thresholds of social intervention of the social welfare and the volume of family social benefits.

The April 2001 amendments to the Labour Code extended maternity leave from 14 up to 22 weeks for women who have taken a child under care and lodged a motion for adoption, or who have taken a child to a foster family. If a woman takes under care more than one child at a time, she is entitled to 35 weeks of maternity leave.

In December 2000, the amended Act on Lodgings Rental and Housing Benefits, initiated by the Union, was adopted; the Act put kerbs to eviction "on the street". In June 2001, the works on comprehensive Act on Tenants' Rights Protection were completed; the protection against eviction "on the street" was extended over pregnant women, adolescents, the unemployed, bed-ridden, disabled, incapacitated, and people who take care of them. These were the solutions NSZZ „Solidarność” had appealed for since 1994 when the Act on Lodgings Rental and Housing Benefits was passed.

NSZZ „Solidarność” supported the amendments to the Social Welfare Act; the Act enhanced chances of social orphans to be brought up in foster families or family orphanages.

The Parliament passed several laws introducing pro-family solutions and fulfilling the Union's postulates. However, in September 2001 the President vetoed three of them: the Act on Benefits for Families with Many Children, the Act on Annual Family Benefit, and the Act on Personal Income Tax (which provided a children tax allowance).

In December 2001, the SLD-UP-PSL Government, practically without any consultation with trade unions, brought to the Parliament a pack of budget-related drafts, whose main aim was to economize. Instead of promised system solutions that would stimulate the economy, most of the elements of protection of the poorest (introduced by previous governments) were cancelled. The National Commission expressed its negative opinion on proposed changes, in particular:

- the liquidation of early retirement bridging benefits and a drastic decrease in the value of anticipatory old-age benefits;
- a decrease in the value of hospital allowance;
- the shortening of maternity leaves;
- the liquidation of childbirth allowance;
- a decrease in the volume of monthly income per family member, below which a worker is entitled to a family benefit;
- a limitation of allowances for public transport fares.

NSZZ „Solidarność” joined negotiations in the Tripartite Commission for Social and Economic Affairs after submitting to the Government and the Parliament its unfavourable opinion on all the budget-related bills. The proposal of rejecting all the bills was not backed up by the other social partners. In this situation, the Tripartite Commission could not present a uniform position, and the social partners may apply for fulfilling their own postulates only individually. Therefore, NSZZ „Solidarność” submitted its position – together with the detailed objections – directly to the Parliament.

In spite of the lack of consensus, the Group for Budget, Remuneration and Social Benefits of the Tripartite Commission discussed the most relevant objections submitted by NSZZ „Solidarność” to particular budget-related bills. The Group's more important decisions:

- in 2002 a protection programme for people of pre-retirement age would be worked out;
- works would be taken up to authorise by law the social minimum and minimum standards of living;
- there would be a correction of income criteria entitling to social assistance (particularly favourable for families with children).

In the governmental information about the accepted motions of the social partners, the following postulates of NSZZ „Solidarność” were also accepted:

- lowering the age entitling to pre-retirement benefits by 5 years;

- the maternity leave taken directly by the mother cannot be shorter than 14 weeks;
- the issue of allowances for veterans (the freeze binding in 2000 only);
- the Government's withdrawal from welfare benefit cuts;

Passing the Act on the Tripartite Commission for Social and Economic Affairs will make it possible to conduct a dialogue on social security. The social partners established the scope of works of the Group for Budget, Remuneration and Social Benefits; this will include the following issues (among others):

- a legal definition of the social minimum and the minimum acceptable standards of living;
- thresholds of social intervention in social assistance;
- carrying out analyses and evaluation of the social security system;
- an analysis of the rise in the prices of energy and other media; the system of compensating the poorest families for the price rise.

6. Housing

NSZZ „Solidarność” many times demanded a complex programme for promoting housing construction to be developed. As this postulate had not been fulfilled, we concentrated on striving for the change of laws that would solve the most urgent problems. Last April, the Parliament passed two laws we had striven for:

- on subsidizing interest on loans incurred for one's own apartment;
- on subsidizing interest on loans incurred for repairs of apartment buildings.

The laws are supposed to facilitate the repairs of rundown buildings and to enable – with the State's aid – people (not only the richest ones) to buy their own apartments. The laws are necessary now, when interest rates are so high.

Since 1998, the Union had demanded an amendment to a law on promoting thermo-modernisation undertakings. The amended June 2001 Act makes loans more available, and should result in growing effectiveness of the programme for reducing heat consumption in municipal and cooperative apartment buildings.

NSZZ „Solidarność” participated in parliamentary works on the 15th Dec. 2000 Act on the Principles of Transfer of Apartments Owned by state-owned Enterprises. The amending was to abolish a pathological right to sell enterprise-owned apartments together with the tenants. The amended Act gives the tenants the right of pre-emption on preferential terms.

In order to down-size homelessness, NSZZ „Solidarność” demanded a statutory solution to the problem of the State's financial assistance provided to *gminas* and non-governmental organisations for organising and running social houses (shelters, boarding-houses) for people who lost their homes, either temporarily or for good. The Government's bill draft (with the Union's favourable opinion) was brought to the Parliament in July 2001, but was not passed.

7. Problems of disabled

NSZZ „Solidarność” participated in the works on:

- amending the 27th August 1997 Act on Social and Vocational Rehabilitation and Employment of disabled;
- the Act on Revenues of Territorial Self-Government Units which significantly interferes with the Act on Social and Vocational Rehabilitation and the Employment of the Disabled;
- amending the Act on the Right to Reduced Fares in Public Transport;
- a system of supporting disabled after Poland's accession to the EU.

The purpose of the works was to abolish the solutions, unfavourable for disabled, adopted through budget-related laws, e.g. the proposal of Minister of Labour forbidding the joining of pensions and wages.

The Union's unfavourable opinion made the National Consulting Council for the Disabled give the unfavourable opinion too, and convinced the other social partners and the Government representatives in the Tripartite Commission for Social and Economic Affairs that such a solution is pointless.

The Union monitored the situation in sheltered workshops after coming into force of the Act on Public Aid for Entrepreneurs. The Union appealed many times to the Minister of Labour and the president of the National Fund for Rehabilitation of the Disabled to work out the regulations for co-operation between the Fund and the Consumer and Competition Protection Office. As a result, a catalogue of entrepreneurs' rights was worked out; these rights were derived from the 27th August 2001 Act on Vocational and Social Rehabilitation and the

Employment of the Disabled, and the classification of the right to social assistance results from the 30th June 2000 Act on Availability and Supervising of Public Assistance for Entrepreneurs.

In August 2001, the National Commission made an appraisal of the draft of the good practice code for handling the issues of disabled at work, worked out by the International Labour Organisation.

The Union gave the Government representatives assumptions for the Bill on the equal chance for disabled. In spite of the Union's interventions, the Government-Union team failed to start the works on the project.

NSZZ „Solidarność” monitors the issues related to telework as a chance for employing disabled. It maintains a continuous contact with the ETUC; as a result, the National Commission Plenipotentiary for the Disabled participated in two European congresses devoted to the problems of disabled, which were held in Brussels and Madrid.

8. Social insurance

In line with the Programme Resolution of the 10th National Congress of Delegates, during the term of office September 1998 - September 2002, a Group for Social Insurance of the National Commission and NSZZ „Solidarność” representatives in the Tripartite Commission for Social and Economic Affairs participated in the works on the amendments to the fundamental acts on social insurance, such as:

1. the Act on Pensions and Old-Age Pensions from the Social Insurance Fund;
2. the Act on the Social Insurance Scheme;
3. the Act on Organisation and Functioning of Retirement Funds;
4. the Act on Company Pension Schemes;
5. the Act on Social Insurance in respect of Accidents at Work and Occupational Diseases;
6. the Act on Cash Benefits in Case of Sickness or Maternity.

The Union presented its opinion on 10 drafts of amendments to laws and 46 drafts of implementation acts.

In 2002, the Tripartite Commission for Social and Economic Affairs worked out a consensus on the amendments to the Acts mentioned above as items 1, 2 and 4.

8.1 Retirement and disablement pensions

In January 2000, a Governmental-Union Group was established to deal with the issue of the so called "old portfolios" that emerged in relation to the date of retirement or disablement. The materials worked out by the Group were handed over to the National Secretariat of Retirees to be consulted in the environment of pensioners. Unfortunately, the consultations have not led to adopting a uniform position so far.

The 6th July 2001 Act on the Tripartite Commission for Social and Economic Affairs includes a provision making it possible to coordinate positions on the rise in pensions paid out of the Social Insurance Fund. This way, the postulate of NSZZ „Solidarność” on the participation of the social partners in negotiating the value of pension valorisation index was fulfilled.

The first negotiations on the index of retirement and disablement pensions' valuation were held in June and July 2002. It was agreed that an average retirement and disablement pension would grow from the 1st of March 2003 by not less than 3.7%.

In April 2002, the Government asked the trade unions to analyse a draft of amendments to the Acts on Employment and Counteracting Unemployment, and the Retirement and Disablement Pensions from the Social Insurance Fund. According to the draft, the employers hiring pensioners would have to pay to the Labour Fund an increased fee (by 7 times) till the end of 2004. NSZZ „Solidarność” expressed its unfavourable opinion on the draft, for the following reasons:

1. the suggested changes infringe Article 32 and Article 69 of the Constitution of the Republic of Poland, and Article 11 of the Labour Code;
2. in spite of the Governmental declaration, the implementation of the project will not lead to creating new jobs, but to shifting some of them into the 'grey zone';
3. the project would set at variance the employed and the unemployed, old-age pensioners, school leavers, and graduates.

In their position of 17th May 2000, the groups of the Tripartite Commission found it pointless to introduce amendments to the Act on Employment and Counteracting Unemployment consisting in paying the increased fee to the Labour Fund by employers hiring the retired and disabled pensioners.

The National Commission representatives participated in the work of the Supervisory Board of the Social Insurance Institution (ZUS).

8.2 Pensions for people working under specific conditions

At the end of 2000 the National Commission analysed the current state of negotiations on lowering the retirement age for people working under specific conditions, and noticed that:

- the Government should immediately present a draft of amendments to the 17th Dec. 1998 Act on Retirement and Disablement Pensions from the Social Insurance Fund, consisting in extending of a time limit to meeting the requirements of eligibility for earlier pension (presently by 31st Dec. 2006);
- after the Parliament has passed the amendments, the Government should submit to the unions a draft of a separate bill stipulating the provisions, conditions and mode of establishing retirement age lowered in relation to the binding one.

As late as in July 2001, did the representatives of the political cabinet of the Ministry of Labour and Social Policy react to the motion of the National Commission of extending the time limit to meet the requirements of eligibility for earlier pension (presently by 31st Dec. 2006). Unfortunately, the proposal of NSZZ „Solidarność“ was not approved by the Ministry of Labour and Social Policy, although according to earlier agreements, the Government was to present a draft of legal regulations extending the above-mentioned date (the agreements were initially made during the negotiations held by the Presidium of the National Commission within the dispute held between the Union and the Government).

As the date of 31st Dec. 2006 is getting nearer, the deadline should certainly be prolonged for a period of time identical with the time during which the parties failed to find a compromise for the early retirement bridging benefits starting with the date of the Act on Retirement and Disablement Pensions from the Social Insurance Fund's coming into force.

The first meeting of the representatives of trade unions with the Government on the early retirement bridging benefits (after the power was taken over by the coalition of the SLD-UP-PSL) was held in January 2002. The discussions focused on the current status quo of the three-year-long period of negotiations related to the eligibility for earlier retirement of people working under specific conditions or holding specific positions. The representative of the Government said that there were certain elements of the solutions proposed by the previous Government, which were no longer supported by the present one, and some elements that would be included in final solutions; however, the starting point for working out a project must be reliable financial forecasts based on solid information.

The representatives of trade unions maintained their current position, in which they expressed their critical opinion about the Report of the board of physicians which identified categories of works performed under specific conditions. The unions were also fully univocal about the issue of the so called 'zero option' which meant that people performing jobs currently eligible for earlier retirement under the 1983 Council of Ministers Order, separate Acts, and other departmental regulations should maintain the eligibility; new regulations would refer to people starting their work when the new act is in force. The unions also suggested amendments to the Act on Retirement and Disablement Pensions from the Social Insurance Fund's and postponing the date of early retirement bridging benefits coming into force from 2006 to some later date.

One of the meetings of the Task Group for Social Insurance (operating within the framework of the Tripartite Commission for Social and Economic Affairs) was devoted to discussing the co-operation between the social partners in working out the concept of the early retirement bridging benefit.

The National Commission's Group for early retirement bridging benefit negotiations expressed its critical opinion in July 2002 on the manner of negotiations held by the Government so far, and asked the President of the National Commission to place urgently on the agenda of the meeting of the Tripartite Commission for Social and Economic Affairs the problem of regulations on the early retirement bridging benefit. As a reply to the National Commission's motion, the Ministry of Labour stated that it was necessary to verify the data constituting the basis for drawing up a concrete draft, commissioning this task to the Central Institute of Labour Protection. The results of the research will be presented to the social partners within the framework of Tripartite Commission.

III. INTERNATIONAL COOPERATION

There has been a shift of focus in the international cooperation of NSZZ „Solidarność” following the resolution of the 10th National Congress of Delegates in Jastrzębie-Zdrój. Exchange of information and experience, training and experts' contacts remain stable, while the involvement of the union in seeking new formula of trade union activity in global economy and the oncoming eastern enlargement of the EU have gained more prominence.

1. Working with the ICFTU

In April 2000 the 17th Congress of the International Confederation of Free Trade Unions was held in Durban, South Africa with the participation of five delegates of NSZZ „Solidarność”. The Congress established the following priorities for the trade union movement in the 21st century:

- the world free from poverty, discrimination, injustice and threat of war;
- the world that is democratic, with accepted and implemented universal human rights;
- democratic processes regulating the power of great international business;
- full equality of men and women as well as of group of workers in precarious employment;
- life and work conditions protecting the natural environment;
- education and decent future for children.

Trade unions all over the world are in retreat and the congress saw no breakthrough, providing classic answers to old questions. In this situation the Millennium Group was set up, the task of which is to develop new concepts of union strategy capable of reversing the unfavourable trends by creating new instruments of union action. NSZZ „Solidarność” delegate represented union organisations from Central and Eastern Europe in the Millennium Group.

The Group, which completed phase one of its work last November, focused on the following issues:

- strengthening of national union organisations;
- trade union activity in multinational enterprises;
- transformation of the global economy;
- statutory issues, regional cooperation and campaigning.

The debate will continue till the 2004 ICFTU congress, however certain strategic priorities for the international trade movement have already been identified:

- special attention to be paid to organising and acquisition of new members and developing new methods in this area;
- search of greater coherence in the activities of national, branch and international structures to ensure greater efficiency in bargaining with the employers' organisations;
- mobilisation to counter the neo-liberal ideology that has dominated the process of globalisation;
- seeking the greatest possible unity in international union action, among others by common identity of "Global Unions."

A way of arriving at these objectives is to build a stronger, better united and more efficient world trade movement capable of bargaining with or exercising real pressure on international institutions, multinationals and governments. An element of this strategy is to seek agreement with non-ICFTU union organisations, notably the World Confederation of Labour (WCL), which coincided with the initiative of the Jastrzębie-Zdrój 10th National Congress of Delegates – to build a united, international union front with a view of uniting independent and democratic organisations. A further step has been made in implementing this initiative by the establishment of the ICFTU-WCL Forum, with the objective of joint actions, consultation and coordination of activities.

2. Working with the WCL

Last October the 25th congress of the World Confederation of Labour was held, attended also by NSZZ „Solidarność” delegates. The main policy message of the congress was to start the democratisation of global economy management by instituting a democratic and accountable "world board," and possibly making it part of UN structures. The current system of international decision-making, the congress said, is "multi-polar" and dominated by groups of influence, like multinational enterprises, G7 governments and some intergovernmental organisations (the World Bank, the International Monetary Fund, the World Trade Organisation).

The power and influence of these 3 groups poses fundamental problems – lack of democracy, need for a counterweight and for new methods of regulation. Changes in the world economy have a severe impact on the

methods in which trade unions operate. To meet the challenge of the modern world and globalisation, the unions must work out a new approach to union action and regroup structurally.

The congress specified the following priorities and goals for the world trade union movement:

- globalisation of social rights and protection of the rights of all employees;
- promotion of sustainable development to the benefit of man;
- regulation of multinational enterprises;
- strengthening of the International Labour Organisation;
- international and national trade union movement revival, matching structures with new realities;
- organising workers from new areas in trade unions;
- running information and education campaigns at all levels of the union movement in order to strengthen it and enable to perform its role in the time of globalisation.

3. WCL-ICFTU rapprochement concept

The concept of rapprochement between the World Confederation of Labour and the International Confederation of Free Trade Unions endorsed by NSZZ "Solidarność" and initiated at the Jastrzębie-Zdrój National Congress of Delegates, was a great success during the Congress. The two confederations - and NSZZ „Solidarność” is a member of both - used to demonstrate far-reaching mutual distrust and compete rather than cooperate. The initiative of NSZZ "Solidarność", enhanced by concrete bridge-building efforts, conspired to defining cooperation with the ICFTU as one of major priorities of world union action and its subsequent inclusion in the policy document of the WCL. Furthermore, the two General Secretaries, Willy Thys of the WCL and Bill Jordan of the ICFTU, declared that they did not preclude the formation of a joint world council of the two confederations as a supreme body, while the structures and the respective identities of the constituent parts are preserved. This declaration marks a great step forward and even though the formation of a uniform organisation advocated by NSZZ „Solidarność” remains a matter of a distant future, a breakthrough in bilateral relations has been made.

4. Working with the ILO

NSZZ "Solidarność" continues its participation in ILO activities:

- the annual ILO sessions in Geneva and the committees drafting conventions and recommendations on, among others, worst forms of child labour, maternity, occupational health and safety in agriculture, job creation in small and medium-size enterprises;
- voicing their opinion, in cooperation with branch secretariats, on ILO questionnaires and other documents;
- negotiating and signing two agreements on ILO's technical assistance to Poland in 2000-2001 and 2002-2003 (conferences, seminars, workshops, expertise);
- work of NSZZ „Solidarność” delegate for the ILO Governing Body.

We may be satisfied that Poland recently ratified Worst Forms of Child Labour Convention 182, thus joining these nations which have ratified all the basic conventions. During last June's ILO Conference NSZZ "Solidarność" delegate, re-elected to the Governing Body, tabled an initiative for the World Solidarity Fund "Education Against Unemployment," with an annual budget of at least 10 billion dollars. Unfortunately, despite a vigorous campaign by NSZZ „Solidarność” and the ICFTU, a delegate of the official Chinese trade unions was elected to the ILO Governing Body as a representative of employees. This should be viewed as a heavy defeat of the free trade union movement.

5. Supporting independent trade unions

Under the Programme Resolution approved by the 10th National Congress of Delegates, international cooperation of NSZZ "Solidarność" was targeted at supporting independent and democratic trade unions all over the world.

NSZZ „Solidarność” supports the development of independent trade unions in many countries of the world through bilateral cooperation and within the ICFTU and the WCL. Several dozen protests were sent to governments and employers' organisations in every country where union's and workers' rights are violated, where basic ILO standards are threatened, or where adverse changes in the labour laws are planned. NSZZ „Solidarność” representatives took part in many international missions and conferences, the purpose of which was to oppose the assault of the global capital or individual governments on free trade unions. Especially

important was our participation in ICFTU delegations to Russia, Georgia, Azerbaijan, Albania and South Korea, as well as the ICFTU Working Group for China.

The purpose of the visit to South Korea was to show sympathetic support for two ICFTU-affiliated organisations – the KCTU (Korean Confederation of Trade Unions) and the FKTU (Federation of Korean Trade Unions). Both unions are under heavy pressure from the government and the employers. Fundamental worker and union rights are repeatedly violated (about 50 activists of the two organisations are now in jail). As numerous letters of protest sent to the Korean authorities, also by the NSZZ "Solidarność," remain fruitless, it was the purpose of the mission to exert additional pressure and mobilise the public. The delegation met a few imprisoned activists, took part in a demonstration staged outside a court building and in the final part of the KCTU president's trial. This probably contributed to the unusually low (by Korean standards) prison term of 2 years passed by the court.

The task of the Working Group for China was to work out a policy towards the Chinese authorities and the official trade unions – the ACFTU. While China enjoys a rapid economic growth stimulated by neo-liberal economic policies, investment by multinational enterprises is accompanied by violation of human, union and workers' rights, use of forced labour of inmates, and by an oppressive and undemocratic regime. It is in this situation that some independent unions from the industrialised nations, notably from Asia and the Pacific, while having no illusions about the nature of the official Chinese unions, cannot resist the temptation of establishing contacts with them. Other ICFTU organisations including NSZZ „Solidarność” hold the view that contacts with the ACFTU, especially high-level, official ones, are counterproductive. They give a false impression that the official union structures are recognised as a genuine representative of the workers, thereby strengthening the repressive machinery of the communist party that the ACFTU is part of, they are exploited by the Chinese propaganda both at home and abroad and deprive the political prisoners and the genuine independent unions of hope. What is more, they are totally ineffective in terms of improving the situation of Chinese workers.

The Working Group for China adopted the following recommendations on ICFTU policies towards China:

- pressure on the government should be continued so that labour laws be adjusted to international labour standards;
- investment of multinational enterprises in China should be used as a channel of establishing contacts with workers at the enterprise level;
- the development of independent unions should be supported;
- the official unions (ACFTU) should be pressurised to give up their monopoly and recognise the freedom of association, work for the release of political prisoners and unionists and grant support to wildcat strikes.

6. Pressure on international financial institutions

An important area of activity was our involvement in the ICFTU-coordinated pressure on governments to make them represent in international fora a position concurrent with the interest of trade unions. We tried, accordingly, to obtain a commitment from the Polish government that they would support the introduction of the social dimension into the agendas of the Seattle 1999 and Doha 2001 Conferences of the World Trade Organisation (WTO). The point was to allow trade liberalisation only with these countries which respect human and union rights – to avert unfair competition from countries which exploit their workforce disregarding the accepted standards. The Polish government did support the issue of respect for fundamental rights, yet it considered labour standards to be an issue for the International Labour Organisation, not the WTO. The Seattle and Doha Conferences became a fiasco.

On the other hand, Polish government responded to our request and took a firm stand on the violation of human and trade union rights during the 54th session of UN Human Rights Commission in March and April, 2000.

Similarly, the Government accepted NSZZ „Solidarność”-endorsed position to include in Political Declaration of the World Summit of Social Development "Geneva 2000 a commitment to ratify the basic conventions listed in the document "ILO Declaration on Principles: a New Instrument to Promote Fundamental Rights". Sadly though, the final version of the document contains a provision on rights at work, yet without a direct reference to the ILO Declaration.

The suggestion made by NSZZ „Solidarność” for Polish representatives in the International Monetary Fund and the World Bank to give their support to effective involvement of trade unions in national strategies of containing poverty was met with a moderately positive reaction.

With the professional support from the Trade Union Advisory Committee (TUAC) to OECD, NSZZ „Solidarność” has been stimulating the practical application of the OECD Guidelines for Multinational Enterprises as an instrument helping to ensure respect for the fundamental rights at work and union freedom.

7. Working with the ETUC and European integration

In view of the European Union enlargement our activities within the European Confederation of Trade Unions have gained momentum. NSZZ „Solidarność” representatives took part in the preparation of ETUC positions, which are the outcome of a compromise between all the affiliates, yet they all support prompt enlargement. A resolution has also been drafted on the freedom of movement of workers, which says that should transition periods be unavoidable, their duration must be reduced to the minimum.

The 9th Congress of the European Confederation of Trade Unions held in June-July 1999 in Helsinki accepted all the most important proposals of „Solidarność” – recognition of the European Union enlargement as a priority, inclusion of social partners in the applicant countries in the process of preparing the negotiating position, recognition of employment policy as a major task and pressure on EU institutional reform towards its democratisation. The Congress also added two more seats on the Steering Committee, to be filled by organisations from Central and Eastern Europe. One of these has been unanimously given by the ETUC Executive Committee to NSZZ „Solidarność” delegate.

Our proposal that NSZZ „Solidarność” and other organisations from the applicant countries be fully involved in the ETUC decision-making has materialised. NSZZ „Solidarność” delegate became the first representative from Central and Eastern Europe in the ETUC group negotiating a telework agreement with employers' organisations. Delegates from NSZZ „Solidarność” and from other applicant countries take part in the activities of ETUC Working Group for the Future of Europe, dealing with the future institutional form of the EU. In this group NSZZ „Solidarność” advocates democratisation of EU institutions, more powers of decision for its elected bodies, and making the Fundamental Rights Charter adopted in Nice part of the European Treaties or the European Union's Constitution, in order to make it legally binding. It is in support of this issue as well as of Social Europe and full employment that 50-strong groups of NSZZ „Solidarność” activists took part in the ETUC demonstrations in Porto and Nice in 2000 and in Laeken on 13 December, before the European Union summit.

Many activities (apart from training courses) connected with European integration were conducted, like:

- publication of booklets on EU issues (“European Union. Basic Information,” and “Social Dimension of the European Union”), 15 thousand copies each, as well as inclusion of a leaflet on EU issues in the National Commission's monthly Bulletin;
- holding of a Joint Consultative Committee meeting in Gdańsk in June 2001;
- participation in meetings on particular negotiating areas prior to the screening in Brussels;
- participation of our delegate representing the applicant countries in ETUC delegation for telework negotiations and in ETUC's working groups and standing committees for social dialogue, collective bargaining, EU enlargement, the future of Europe, social and economic cohesion, EU intergovernmental conference;
- participation in the work of the Liaison Committee for the Cooperation with the Economic and Social Committee of EU.

IV. NSZZ „SOLIDARNOŚĆ” - PUBLIC PRESENCE

1. Akcja Wyborcza Solidarność

NSZZ „Solidarność” continued to withdraw from direct engagement in politics. The Ruch Społeczny AWS was set up, with whom the National Commission signed an agreement in September 1999, specifying the mutual obligations and commitments. National Commission's president Marian Krzaklewski obtained the RS AWS nomination to run for presidency of the country and was supported by NSZZ „Solidarność” and other constituents of the AWS. In the election held on 8 October, 2000 he was supported by nearly 3 million voters, ranking third in the contest.

Resolution No. 5 of the 13th National Congress of Delegates appealed for AWS consolidation and its conversion into a single political party. AWS consolidation, however, did not happen and the group disintegrated. In this situation the union withdrew from it in May 2001. After a series of meetings with RS AWS leaders, the National Commission formulated a list of proposals, which via the RS AWS were submitted to the Parliament and the Government. NSZZ „Solidarność” expected the proposals to be implemented before the end of term, or

become part of AWS electoral platform. Following a few meetings with the government and the presidium of the AWS Parliamentary Group, some of the proposals were implemented, yet the majority are still waiting to be effected. The 14th National Congress of Delegates was highly critical of the AWS and of holding both union and political posts.

2. Human rights protection

NSZZ "Solidarność" was always present wherever a campaign was conducted to protect not only trade union rights, but also broadly understood human rights. This took the form of appeals for these rights to be respected in China and Belarus, support for the Jubilee 2000 campaign (writing off Third World debt), sponsorship of a conference marking the 10th anniversary of the Tienanmen Square massacre, and collecting signatures for an international petition to the government of Chinese People's Republic.

The union was also opposed to Russian invasion of Chechnya and appealed to the authorities to take measures that could help to stop the war.

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